

JOURNAL
OF
THE SENATE
OF THE
STATE OF ALABAMA

SPECIAL SESSION, 1936-37

HELD IN THE CITY OF MONTGOMERY, COMMENCING
MONDAY, NOVEMBER 23, 1936



WITH AN INDEX PREPARED BY THE SECRETARY
OF THE SENATE

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STATE OF ALABAMA
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FIRST DAY

Montgomery, Alabama, Monday, November 23, 1936.

BE IT REMEMBERED, That on the 21st day of November, A.D., 1936, Bibb Graves, Governor of the State of Alabama, issued his proclamation in the words and figures following, to-wit:

STATE OF ALABAMA
A PROCLAMATION BY THE GOVERNOR

WHEREAS, in the opinion of the Governor of the State of Alabama, an extraordinary occasion exists which demands the convening of the Legislature of Alabama in extraordinary session as prescribed by Section 122 of the Constitution of Alabama of 1901;

NOW, THEREFORE, I, Bibb Graves, as Governor of the State of Alabama, do hereby proclaim and direct that the Legislature of the State of Alabama convene in extraordinary session at the seat of Government in Montgomery, Alabama, at 12:00 Noon Monday, the 23rd day of November, 1936. And I do hereby designate the following subjects and matters to be considered and acted upon by the Legislature in extraordinary session assembled:

1st. To revise the Revenue Laws and to provide additional revenue for the schools and to enable the State, County and City governments to function adequately.

2nd. To provide for the payment of all educational activities, experimental and extension services, out of the Alabama Special

Educational Trust Fund and to relieve the General Fund of all such payments.

3rd. To provide for an appropriation from the General Fund to take care of any deficit in the Special Educational Trust Fund.

4th. To provide for the exemption from State ad valorem taxes of homesteads, as defined by the Constitution and laws of the State of Alabama.

5th. To set up a Property Tax Relief Fund and reduce State ad valorem taxes.

6th. To regulate the manufacture and sale of spiritous, vinous or malt beverages through State owned and operated stores or other State supervision, and to provide for a referendum thereon to the electors of Alabama.

IN WITNESS WHEREOF, I have hereunto set my hand as Governor of the State of Alabama and caused the same to be attested by the Secretary of State and the Great Seal of the State affixed at the Capitol in the City of Montgomery, this the 21st day of November, 1936.

BIBB GRAVES,
Governor.

(SEAL)

Attest:

HOWELL TURNER,
Secretary of State.

In pursuance thereof, at the hour of 12 o'clock M., on Monday, November 23, 1936, the Senators in the Legislature of Alabama assembled in the Senate Chamber.

The Senate was called to order by Honorable Thomas E. Knight, Jr., Lieutenant-Governor and President of the Senate.

J. E. Speight, Secretary, was present and acted as such, according to law.

PRAYER

The session was opened with Prayer by Rev. Peerce McDonald of the Church of Ascension, Montgomery, Alabama.

OATHS OF OFFICE

Honorable S. H. Richardson, elected to the Senate from the Fourth Senatorial District, composed of the county of Madison, to fill the vacancy caused by the death of Shelby S. Fletcher, presented his credentials from the Secretary of State as follows:

THE STATE OF ALABAMA

Department of State

CERTIFICATE OF ELECTION

I, Howell Turner, Secretary of State, in accordance with the provisions of Section 516 of the Code of Alabama, do hereby certify that as shown by the returns of Election on file in this office, Schuyler H. Richardson was elected State Senator from the Fourth Senatorial District (composed of the County of Madison) at the General Election held in this State on Tuesday, the 3rd day of November, 1936.

Witness my hand this 13th day of November 1936.

Howell Turner,
Secretary of State.

Honorable M. E. McConnell, elected to the Senate from the Fourteenth Senatorial District, composed of the counties of Pickens and Sumter, to fill the vacancy caused by the death of John A. Rogers, presented his credentials from the Secretary of State as follows:

THE STATE OF ALABAMA

Department of State

CERTIFICATE OF ELECTION

I, Howell Turner, Secretary of State, in accordance with the provisions of Section 516 of the Code of Alabama, do hereby certify that as shown by the returns of Election on file in this office, Marcus E. McConnell was elected State Senator from the Fourteenth Senatorial District composed of the counties of Sumter and Pickens at the General Election held in this State on Tuesday, the 3rd day of November, 1936.

Witness my hand this 13th day of November 1936.

Howell Turner,
Secretary of State.

Thereupon, the chief Justice of the Supreme Court of Alabama, Honorable John C. Anderson, administered to Mr. McConnell and Mr. Richardson the oath of office as follows:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama so long as I continue a citizen thereof, and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter to the best of my ability, so help me God.

M. E. McConnell,
Schuyler H. Richardson.

ROLL CALL

Present:

Messrs.:			
Bonner	Kelly	Riddle	Swift
Browder	Kuykendall	Rogers	Taylor
Carlton	Locke	Russell	Thomas
Chesnut	Mixon	St. John	Tucker
Cook	Mooneyham	Simpson	Walton
Dorsey	McConnell	Starnes	Weaver
Frazer	McDowell	Stephens	Wellborn
Glover	Parrish	Stoddard	Woodall
Goldsmith	Richardson		

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LEAVE OF ABSENCE

On motion of Mr. McDowell, indefinite leave of absence was granted Mr. D. A. Walden, on account of illness.

RESOLUTIONS

Mr. Dorsey offered the following Senate resolution:

S. R. 1. Resolved by the Senate that the following officers of the Senate of the first Extraordinary Session of the Legislature of Alabama of 1936

Senator D. Hardy Riddle, President Pro-tem
 Mrs. Lula S. Thompson, Enrolling-Engrossing Clerk
 H. G. Earnest, Doorkeeper
 J. G. Watkins, Asst. Doorkeeper.

be and they are hereby elected to serve in such positions during this Extraordinary Session of the Legislature.

Be it further resolved that T. L. Austin of Wetumpka, Ala., is hereby elected to serve as Asst. Secretary of the Senate to succeed the Hon. Harrison McCutchen, deceased.

Be it further resolved that the personnel of the pages and messengers shall be the same as those of the first Extraordinary Session of 1936 and that should there be any vacancies as pages or messengers the President of the Senate shall appoint other pages or messengers to fill such vacancies.

Which was adopted.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:			
Bonner	Dorsey	Kuykendall	McConnell
Carlton	Frazer	Locke	McDowell
Chesnut	Glover	Mixon	Parrish
Cook	Kelly	Mooneyham	Richardson

Rogers
Russell
St. John
Simpson

Starnes
Stephens
Swift
Taylor

Thomas
Tucker
Walton

Weaver
Wellborn
Woodall

—30

Nays:—None.

Thereupon, such officers and employees to-wit:

President Pro-Tem, Enrolling-Engrossing Clerk, Doorkeeper, Assistant Doorkeeper and Assistant Secretary came forward and the President of the Senate administered to them the oath of office as follows to-wit:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama so long as I continue a citizen thereof, and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter to the best of my ability. So help me, God.

Mr. Riddle offered the following Senate resolution:

S. R. 2. BE IT RESOLVED by the Senate, That the Secretary of the Senate notify the House that the Senate has perfected its permanent organization and is now ready for the transaction of business.

And on motion of Mr. Riddle, the rules were suspended and the resolution adopted.

Mr. Richardson offered the following joint resolution:

S. J. R. 3. Resolved by the Senate the House concurring, that the Legislature assemble in joint session in the Hall of the House of Representatives at 3:15 P. M. today to hear a message from the Governor.

And on motion of Mr. Richardson, the rules were suspended and the resolution adopted.

Mr. Walton offered the following resolution:

S. R. 4. WHEREAS, Hon. John A. Rogers, Senator from the Fourteenth senatorial district of the State of Alabama has been removed from the Senate of Alabama by death; and

WHEREAS, Senator Rogers was a useful and outstanding citizen of the State of Alabama, and an honored member of the Senate of Alabama; and

WHEREAS, in the loss of Senator Rogers not only the Senate of Alabama, but the State of Alabama has been deprived of a useful, outstanding and worthy citizen; and

WHEREAS, the Senate of Alabama desires to express its regret at the passing of Senator Rogers:

THEREFORE, be it resolved by the Senate of Alabama that we do hereby express our regret and sense of loss in the passing of Senator John A. Rogers, of the Fourteenth senatorial district of Alabama; BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the family of Senator John A. Rogers, and that a copy be spread upon the Journal of the Senate of Alabama.

And on motion of Mr. Walton, the rules were suspended and the resolution adopted.

Mr. Simpson offered the following resolution:

S. R. 5. WHEREAS the Senate has, since its last meeting, lost by death one of its outstanding members, the Hon. Shelby Fletcher, of Madison, and

WHEREAS in this loss the Senate has been deprived of the services of one who, through long years of unselfish service in this body and the House of Representatives, had shown devotion to public duty of the highest order, exceptional legislative ability and had won the personal esteem and affection of his fellow members, and leaves an example of good citizenship, an inspiration to all,

BE IT RESOLVED that this resolution be spread upon the records of the Senate and copies thereof be furnished his family.

And on motion of Mr. Simpson, the rules were suspended and the resolution adopted.

Mr. Wellborn offered the following resolution:

S. R. 6. WHEREAS, the Governor of the State of Alabama, in a proclamation issued on November 21, 1936, at Montgomery, Alabama, issued a call to the Legislature of Alabama to convene in Extra Ordinary Session as prescribed by Section 122 of the Constitution of Alabama of 1901, at twelve o'clock, Monday on November 23, 1936, and

WHEREAS, the Legislature of Alabama convened in Extra Ordinary Session at twelve o'clock noon, Monday, On November 23, 1936, and is now in session and,

WHEREAS, the Governor of the State of Alabama designated the following subjects and matters to be considered and acted upon by the Legislature in said Extra Ordinary Session:

"1. To revise the Revenue Laws and to provide additional revenue for the schools and to enable the State, County and City governments to function adequately.

"2. To provide for the payment of all educational activities, experimental and extension services, out of the Alabama Special Educational Trust Fund and to relieve the General Fund of all such payments.

"3. To provide for an appropriation from the General Fund to take care of any deficit in the Special Educational Trust Fund.

"4. To provide for the exemption from State ad valorem taxes of homesteads, as defined by the Constitution and Laws of the State of Alabama.

"5. To set up a 'Property Tax Relief Fund, and reduce State ad valorem taxes.

"6. To regulate the manufacture and sale of spirituous, vinous or malt beverages through State owned and operated stores or other State supervision, and to provide for a referendum thereon to the electors of Alabama."

And

WHEREAS, there will be an effort made in said Extra Ordinary Session of the Legislature of Alabama to pass a bill regulating the manufacture and sale of spirituous, vinous or malt beverages through state owned and operated stores or other state supervision, without providing a referendum thereon to the electors of Alabama:

NOW, THEREFORE, BE IT RESOLVED by the Senate of Alabama that the Justices of the Supreme Court of Alabama or a majority thereof, are hereby requested to render to this Body their written opinion as provided under Section 10290 of the Code of Alabama, 1923, as to whether or not such a bill, regulating the manufacture and sale of spirituous, vinous or malt beverages through State owned and operated stores or other State supervision, without any provision for a referendum thereon to the electors of Alabama, will require a majority vote or a two-thirds vote of the two Houses of the Legislature in order for the same to be enacted into law.

Which was read and further consideration postponed to the afternoon session.

APPOINTMENT OF COMMITTEES

The Lieutenant-Governor and Presiding Officer of the Senate announced the following members of the Standing Committees of the Senate, to-wit:

RULES:

Riddle, Chairman, Bonner, Woodall, Simpson, Mooneyham, Tucker, Carlton.

JUDICIARY:

Simpson, Chairman, McDowell, Frazer, Rogers, Kelly, Bonner, Mooneyham, Walton, Riddle, Locke, Starnes, Woodall, Goldsmith, Stoddard, Richardson.

REVISION OF LAWS:

Frazer, Chairman, Starnes, Richardson, Riddle, Carlton, Locke, Walton, McConnell, Simpson, Kelly, Mooneyham.

CONSTITUTION AND CONSTITUTIONAL REVISION AND AMENDMENTS:

McDowell, Chairman, Rogers, Locke, Richardson, Starnes, Woodall, Riddle, Simpson, Carlton, Weaver, Dorsey, Swift.

FINANCE AND TAXATION:

Russell, Chairman, Wellborn, Tucker, Taylor, Stephens, Simpson, Mooneyham, Browder, Bonner, Swift, Starnes, Walden, Dorsey, Kelly, Cook.

BANKING:

Wellborn, Chairman, Dorsey, Richardson, Cook, McDowell, Carlton, Chesnut, Russell, Woodall.

INSURANCE:

Tucker, Chairman, Simpson, Parrish, McConnell, Mixon, St. John, Taylor.

PENITENTIARY AND PENITENTIARY PUNISHMENTS:

Taylor, Chairman, Chesnut, Goldsmith, Kelly, Locke, Mixon, Stoddard, McConnell, Browder.

CORPORATIONS:

Swift, Chairman, Frazer, St. John, McDowell, Cook, Dorsey.

LOCAL LEGISLATION:

Carlton, Chairman, Parrish, Stephens, Chesnut, Cook, McDowell, Stoddard.

EDUCATION:

Stephens, Chairman, Thomas, St. John, Richardson, Russell, Mixon, Riddle, Browder, Cook, Dorsey, Tucker, Kelly, Swift, Starnes, Chesnut, Walton, Parrish, Weaver, Kuykendall, Stoddard.

COMMERCE AND COMMON CARRIERS:

Richardson Chairman, Goldsmith, Cook, Rogers, Walton, Mooneyham, Wellborn.

MINING AND MANUFACTURING:

Starnes, Chairman, Swift, Locke, Chesnut, Richardson, Walton, Weaver, Dorsey, Woodall.

AGRICULTURE:

Walden, Chairman, Glover, Mixon, Dorsey, Chesnut, Cook, St. John, Thomas, Riddle, Kuykendall, Stoddard.

MUNICIPALITIES:

Mooneyham, Chairman, Mixon, Cook, Walden, Taylor.

COUNTIES AND COUNTY BOUNDARIES:

Locke, Chairman, Mixon, Goldsmith, Parrish, Stoddard.

IMMIGRATION AND INDUSTRIAL RESOURCES:

Kelly, Chairman, Thomas, Browder, Walden, Starnes.

PUBLIC BUILDINGS AND GROUNDS:

Browder, Chairman, Goldsmith, Parrish.

PRIVILEGES AND ELECTIONS:

Woodall, Chairman, Weaver, Chesnut, Mixon, Bonner. Stephens, Carlton, Frazer, St. John, Russell, Stoddard.

PRINTING:

Stephens, Chairman, Simpson, Carlton, Taylor, Glover.

PUBLIC HEALTH:

Parrish, Chairman, Kelly, Carlton, Weaver, Tucker.

MILITARY:

McConnell, Chairman, Swift, Riddle, Woodall, Mooneyham.

TEMPERANCE:

Bonner, Chairman, Rogers, Carlton, Swift, Wellborn, Russell, Mooneyham, Kuykendall.

ENGROSSED BILLS:

St. John, Chairman, Kelly, Taylor.

ENROLLED BILLS:

Thomas, Chairman, Mixon, Goldsmith.

REVISION OF THE JOURNAL:

Chesnut, Chairman, Walden, Stoddard, Goldsmith.

PUBLIC ROADS AND HIGHWAYS:

Walton, Chairman, Swift, McDowell, Dorsey, Kelly, Cook, Frazer, Woodall, Thomas, Glover, Taylor, Walden, St. John, McConnell.

FISH AND GAME:

Dorsey, Chairman, Glover, Woodall, Swift, Frazer, Chesnut, St. John, Rogers, Kuykendall, Stoddard.

FORESTRY AND CONSERVATION:

Weaver, Chairman, Frazer, Simpson, Dorsey, Rogers, McConnell, McDowell, Locke, Swift, Kuykendall.

SEAPORTS:

Rogers, Chairman, Taylor, Wellborn, Swift, Woodall, Riddle, McConnell.

AVIATION AND TRAFFIC:

Stoddard, Chairman, Simpson, Starnes, Kelly, Mooneyham, Carlton, Rogers.

And on motion of Mr. Riddle said appointments were confirmed by the Senate.

ADOPTION OF RULES

On motion of Mr. Riddle, Rules of the 1936 Session were adopted as the Rules for this Session until new Rules are adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House of Representatives has perfected its permanent organization for the second special session of 1936 by the election of Hon. M. L. Robertson as temporary presiding officer and the re-election of the following subordinate officials:

J. H. Weir, Assistant Clerk.

J. A. Dickinson, Enrolling-Engrossing Clerk.

H. A. Thompson, Doorkeeper.

N. E. Stewart, Assistant Doorkeeper.

And is now ready for the transaction of the public business.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House joint resolution:

By Mr. Miller:

H. J. R. 2. Be it resolved by the House, the Senate concurring, that a joint committee of five, three from the House and two from the Senate, be appointed to notify the Governor that the Senate and House have been organized and are now ready for the transaction of the public business.

And the Speaker Pro-tem has appointed Messrs. Welch, Sparks of Barbour, and Mr. Ellis as members from the House.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Riddle, the Senate concurred in and adopted H. J. R. 2, set out in the foregoing message from the House, and the President of the Senate appointed as a committee on part of the Senate Messrs. Richardson and McConnell.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following:

By Mr. Welch:

H. J. R. 6. Resolved that the two houses recess until 3:15 P. M. today, at which time the two houses meet in joint session to hear the message of the Governor, and that the Governor be forthwith advised of this action,—said joint meeting be held in the House of Representatives.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion Mr. Walton, the Senate concurred in and adopted H. J. R. 6, set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted:

S. J. R. 3. Relative to joint session of the Senate and House at 3:15 P. M. today to hear the message of the Governor.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

RECESS

At 1:50 P. M., on motion of Mr. Dorsey, the Senate took a recess until 3:15 this afternoon.

AFTERNOON SESSION—FIRST DAY

Monday, November 23, 1936.

The Senate re-assembled at 3:15 P. M., Lieutenant-Governor Knight presiding.

ROLL CALL

Present:

Messrs.:

Bonner	Kelly	Riddle	Swift
Browder	Kuykendall	Rogers	Taylor
Carlton	Locke	Russell	Thomas
Chesnut	Mixon	St. John	Tucker
Cook	Mooneyham	Simpson	Walton
Dorsey	McConnell	Starnes	Weaver
Frazer	McDowell	Stephens	Wellborn
Glover	Parrish	Stoddard	Woodall
Goldsmith	Richardson		

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JOINT SESSION

The hour of 3:15 P. M., having arrived, pursuant to joint resolution heretofore adopted, the Senate repaired to the Hall of the House of Representatives for the purpose of the joint session to hear the message of His Excellency, the Governor.

The Lieutenant Governor and President of the Senate presided on part of the Senate, and Speaker Robertson on part of the House.

Upon a call of the roll of the Senate, the following members answered to their names to-wit:

Messrs.:

Bonner	Kelly	Riddle	Swift
Browder	Kuykendall	Rogers	Taylor
Carlton	Locke	Russell	Thomas
Chesnut	Mixon	St. John	Tucker
Cook	Mooneyham	Simpson	Walton
Dorsey	McConnell	Starnes	Weaver
Frazer	McDowell	Stephens	Wellborn
Glover	Parrish	Stoddard	Woodall
Goldsmith	Richardson		

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The Clerk of the House then proceeded to call the roll of the House, when the following members answered to their names:

Mr. Speaker Pro Tem.	Doster	Long	Sanford
Messrs.:	Douglass	Lusk	Shipman
Adams	Ellis	Matthews	Sightler
Arnold	Glover	Merrill	Sparks (Walker)
Austin	Goodwyn	Miles	Spence
Blann	Haley	Miller	Steele
Boswell	Hamner	Moore	Street
Braswell	Hanks	McPhaul	Taylor
Britton	Hare	Norman (Bullock)	Terry
Buffington	Heflin	Norman (Lowndes)	Tidmore
Bulger	Hendley	O'Neal	Todd
Byars	Hill	Owens (Madison)	Tolbert
Calhoun	Hodges	Parish (Henry)	Tompkins
Castleberry	Hollis	Parish (Pike)	Toomer
Chichester	Johnston	Petrey	Wallace (Chambers)
Connor	Jones	Posey (Walker)	Wallace (Clarke)
Cook	Kelly	Posey (Winston)	Welch
Cox	Kirby	Propst	Whigham
Delony	Lee (Bullock)	Reeder	Williams
De Vane	Lee (Monroe)	Robinson (Lowndes)	Wright
Domnick	Livingston	Sanderson	

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Thereupon, the Governor was presented and delivered his message in words and figures as follows to-wit:

Gentlemen of the Legislature:

Each of us is here today because the people that sent us here had faith in us, faith that we have the heart to feel their need, the head to know and meet their need and the courage to do the needful.

I reverently pray that each of us have faith in that people, even as that people had faith in us and may it be a living acting faith for "faith without works is dead."

May divine providence direct us in meeting the needs of this hour.

In the Proclamation which convenes you, it is asserted that in my opinion an extraordinary occasion exists which demands this Special Session.

Never in peace time has Alabama had more extraordinary demands for remedial legislation than now.

We are confronted with a break-down in many necessary functions of our State Government.

Our Educational System from top to bottom, and our Agricultural Program, are about to collapse.

The failure to pay the minimum appropriation of our Health Department, jeopardizes the health and the very life of our people.

We are paying only some thirty per cent of appropriations from the General Fund. This limits the usefulness of every agency dependent upon that fund.

Our County jails have some four hundred insane, kept there because our State Institution can not take them. Under existing laws, the capacity of our State Institution was increased around thirty per cent during my former administration, by a weekly allowance for up-keep which permitted that extension of plant. We still have plenty of law, but haven't the necessary money. For these pressing needs, we are met together to-day to do the needful.

You and I put on the law books of Alabama appropriations that were to have been paid out of the General Fund last year of \$12,468,772.33. On these appropriations there was paid only \$7,490,080.03. We were \$4,978,692.30 short of paying.

We made appropriations to be paid out of that Fund this year \$12,013,386.88. Our best judgment is that the amount that will be paid thereon is \$8,013,149.59 and that we will this year be \$4,000,137.29 short of paying.

Before making these appropriations they were studied item by item, long and carefully, were thoroughly discussed and fully understood. They were cut thirty per cent and more below the similar appropriations of four years before. They were an irreducible minimum. We knew then, and know now, they were a minimum to meet the then pressing needs, and they are still that minimum to meet the pressing needs now.

We made these appropriations deliberately, knowingly, and in good faith. Let us now have the good faith to pay them. We drew these checks, let's make them good. The obligation is ours. You voted for them and I approved them. Let's make good.

Alabama is now conducting the most efficient fiscal administration in its history. I seek and welcome any and all suggestions of further economies.

Let us clear some of the misinformation that is abroad in our land.

Some have been made to believe that we have expended, last year, \$48,478,191.07. The truth is that the total disbursement of dollars by the State was \$28,840,354.18, which of course includes all such receipts as County Gasoline Tax, Federal Aids of every kind, receipts from the Docks Commission to pay on their bonds. Disbursements of every kind is included in that Twenty-eight millions of dollars.

This mis-information about the Forty-eight Million was gotten by counting the same thing over and over again by adding the totals of every account on the books. For instance: the Highway Department receives gasoline and tag taxes and these receipts are counted in the receipts of the Highway Fund. The Highway Department then transfers to the Bond Sinking Fund something over three millions of dollars to pay the interest and principal of the Highway Bonds. This, of course, is credited as a disbursement

to the Highway Fund and it is then put down as a receipt of the Bond Sinking Fund, and when the Bond Sinking Fund pays a bond and destroys it, it is put down again as a disbursement of the Bond Sinking Fund. The same money is counted twice as a receipt and twice as a disbursement.

This duplication is many millions greater now than ever before because of our new and enlarged operations. We instituted a "three-way highway plan" whereby the Federal Government, the State and the Counties, each make one-third contribution towards the building of a road selected by the County, when the County desires to do so. To finance this plan we carry a "Three-way Highway Account". When such a project is agreed upon, the Highway Department transfers to that account some of its gasoline money, which has already been counted and is therefore counted again. The County then authorizes the transfer of an equal amount. That county gasoline tax has already been counted in the receipt of the State's gasoline collections. It has been counted in the disbursements of the County Gasoline Fund and now it is counted again in the receipts and disbursements of the Three-way Highway Program. This is a fair sample of the mis-information that is being disseminated to the discredit of our State.

This Three-way Highway Program has been availed of to dispense much mis-leading and essentially unfounded mis-information about the State's payroll and that I have put on thousands of people there.

What are the true facts? Under the agreement with the Administration at Washington, to be credited with doing our part of matching relief funds, we agreed that those whom the relief agencies designated would receive the pay provided by the regulations of those agencies. To carry out this agreement, we do the paying ourselves. There are more than three thousand at work now at a minimum of fifteen cents per hour and a maximum of 140 hours a month. We pay each one of these out of this Three-way Highway Fund every two weeks.

The Highway Department, last year, issued 105,000 warrants as against 20,000 before. Not one nickel of the pay of this three thousand comes out of any tax-payer in Alabama. The clerical work entailed upon the Highway Department, the Comptroller's Department, the Treasury Department, and the Board of Administration, has required increases in their clerical set-up. Except this clerical set-up, most of which has come out of Highway Funds, no tax-payer has paid anything on this great road program that has given us more road construction than even in the days when we were dispensing twenty-five millions of bonds. Neither is it true that I put them on.

When we received from Washington a batch of bills to enable us to conform to the new set-up, those bills provided that the Gov-

ernor would make all appointments of all Welfare Boards in all the Counties and thereby have control of all of this patronage. The only change that I made was a request, which you complied with, that all County or City governing bodies select their own Welfare Board and all the machinery. So I did not, and could not, put any of them on the payroll.

By arrangements in Washington we supplied the payroll, but the counties put those of their own selection to draw the pay, and the tax-payer pays none. These facts dispel practically all that has been said about increases in the State's payroll.

Our Highway Department is the most efficient of which I have ever heard. Besides this relief labor that they have to supervise, we have now more than sixteen hundred convicts on our roads, and it is readily understood that both of these require an unusual amount of supervision.

We have, last year, paved 564 miles of road. More than all the States adjoining us combined. More than any State in the Union without borrowing money, and if our present program can be carried out we will pave 700 miles this year.

With all this achievement the administrative expenses of our Highway Department, which are kept in accordance with the approved plans of the United States Highway Engineering Association, our over-head is less than $2\frac{1}{2}\%$ of the actual expenditure, which it is my information, is the lowest in the Union; and I know that this average in all the States adjoining us is over 5%, and still there is criticism of this Department which is doing more than was ever done here before or is being done with similar resources anywhere else. There is no State that has a lower commission salary than ours. There is none that has as low an engineering scale of salaries as ours.

By its efficiency, our State Tax Commission has accomplished results I had never dreamed we would have attained.

It has been effective in supervising the collection of licenses in the counties that come to the Treasury through the Probate Judges and over the assessment of ad valorem taxes which come to the Treasury through the Tax Collectors, but none of these results are directly shown in its reports. But take only the monies that it has paid directly into the Treasury, we see that in the last full year of the preceding administration the amount so paid into the Treasury was \$13,888,552.58. The year just closing, the first full fiscal year of this administration, it paid into the State Treasury \$18,968,231.09. An increase of \$5,079,678.51.

Only \$355,081.65 of this sum represents any new levies or taxes formerly collected by other departments, or four and three-quarters millions of dollars increase in returns from the old laws. More than two millions of this is represented by gas tax collections and, incidently, be it noted that the expense of that collection comes

out of the gas tax. Near three-quarters of a million is increase in income tax and the expense of this collection also comes out of those taxes.

You will recall that I said that last year we were \$4,978,692.30 short of meeting the appropriations against the General Fund and that this year we expect to be short \$4,000,137.20, and that we estimate over \$900,000 less shortage than in last year.

It's the Alabama State Tax Commission that is doing this. You will note that this year the State paid to the common schools of Alabama more than eight million dollars in cash—hundreds of thousands more than ever was paid in cash or warrants, or both, in the history of Alabama. It's the Alabama State Tax Commission that accomplished that and if County and City revenues were kept up anywhere in proportion to this we would have no financial troubles today.

The State has done more than I had hoped it could do, but it is the local sources of revenue that have failed, and failed without fault. Cities and Counties cannot contribute to our common burdens as they did heretofore. These local units need help now to bear the burdens they have. They cannot bear more.

I invite each of you to personally examine the system of individual efficiency reporting that is kept up by this Department. The individual that doesn't make good by actual returns is "let go". We have put on a great many. Of those put on there have been at least one hundred "let go". If after trial they fail to be a "paying investment" their services were dispensed with.

At this time this Department's payroll is \$27,225.00 per month. This is \$8,000.00 less than when at the peak. Unless new duties are imposed upon it, it will never again reach that peak. Escapes have been checked up. Taxpayers are now on the books. Most tax-sale lands are back in the owners' hands and a much smaller personnel can keep the field clean since it has been put in good order.

Briefly, how has this great result been attained? You wisely increased the Commission from one to three, taking out of the hands of clerks the more important matters of departmental supervision. We have increased the field forces and in most departments the office forces. Individual salaries have not been raised above the levels of former years in spite of the increase in the business of the Commission.

The collection of State taxes has been concentrated in the Tax Commission while heretofore various minor taxes were required to be collected by the Auditor, the Treasurer, the Forestry Department, the Public Service Commission, and other agencies, none of which had proper machinery or personnel for the enforcement of the tax laws.

We have set up a land department charged with the special management of the tax lands taken over by the State. You enacted laws whereby the distressed property owner may recover his property in an orderly manner without too much hardship. We have forced those who were able to pay, either to redeem their property or to turn over the rents to the State. It is in this way they have been persuaded to redeem their property.

In addition to the increase in direct collections by the Tax Commission, the general property assessments for ad valorem taxes in the last assessment year have shown the first annual net increase since 1930, notwithstanding the fact that the 1935 revenue act increased the amount of exempt property by several millions of dollars. By this act exemptions of house-hold furniture were increased 66-2/3 per cent and a vast amount of livestock was entirely exempt from taxation. There had also been removed from the tax rolls more than \$800,000.00 in assessed value of railroad and street railroad property which had been taken out of operation. Approximately one and one-half millions of assessed value had been lost during the year by reason of property being purchased by the Federal Government and municipalities.

General business license collections made by the Judges of Probate for the year of 1935-36 are above those for 1933-34, notwithstanding the fact that the rates of a number of schedules were drastically reduced by the 1935 act and in spite of the fact that some of these collections had been transferred to the Tax Commission as heretofore mentioned.

Motor vehicle license collections for 1935-36 are above those for 1933-34 in spite of the fact that acts passed during this Administration have reduced the costs of these licenses to the individual operators by a general reduction in rates.

Land redemptions made through the offices of the Judges of Probate have materially increased above those of any former years. Millions of tax-sold properties are again in the hands of rightful owners. The expenses have already been borne by the Tax Commission with the result of not only current taxes, but the installment payments of past due taxes will continue to come in through county offices for years to come.

The expense of the general supervision of all of these indirect collections of ad valorem taxes, business licenses, motor vehicle licenses and land redemptions are borne by the State Tax Commission and these improvements in collections must be considered in part due to this supervision and credited against the expense of the Commission.

It is fundamental that the price of efficiency in tax administration is eternal vigilance. This vigilance is not necessary solely for the purpose of seeing that State revenues are increased, but it is

fully as important that we see that the tax burden lies evenly on all who have to bear it. Equality is the basis of all just taxation. A system which allows legitimate business to be handicapped by the competition of tax evaders is just as much to be avoided as one which imposes an oppressive tax burden upon all. We believe in taxing all alike or none at all. The protection afforded the legitimate dealers from unfair competition can not be measured in dollars and cents, but the increased revenue obtained for the State has been shown in rather impressive figures.

Now, it is expected that you are interested in knowing what these additional collections have cost the State in added expenses. While the Tax Commission was collecting \$5,079,678.51 in additional revenue it spent \$397,705.41 more in salaries and expenses. Of this amount \$28,265.08 represented costs of new departments added by legislative act. A considerable amount of the added cost is accounted for by the expansion of the land department occasioned by the abnormally large tax sales to the State over the period of the last five years. The cost of motor vehicle tags required to be purchased by the Commission was doubled by reason of the legislative requirement that two tags be furnished each operator instead of one as heretofore.

Aside from these unavoidable increases in expenses we have run up further expenses. The Commission has paid the costs of court proceedings testing our revenue laws, as in the Income Tax cases. But we know that the results are worth the expenditure. It is a good investment to spend between three and four hundred thousand dollars and get back five million dollars. We know that an expenditure which netted \$4,681,973.01 to the State is justified.

We want efficiency—we have it and we pay for it, and pay as little for it as possible. Let me again repeat what I have said to you, individually and in groups, I want any suggestions of savings that do not destroy efficiency.

To cripple the efficiency of this Department would be worse than folly; would put a premium upon tax-dodgers and penalize honest payers besides losing the State's revenue. If we take the conductors off the passenger trains there are those who would forget to buy tickets. If you reduce the efficiency of the tax machinery there are those that will evade.

The State, in duty to itself and in fairness to its law-abiding citizens, must tax all alike or tax none at all. Let this Department "keep on keeping on".

BOARD OF ADMINISTRATION, INCLUDING CONVICT DEPARTMENT

The operation of this Board and Department are most satisfactory to me and I am sure will be pleasing to any citizen who

knows the facts. The payroll has increased about 18% over the average of the preceding four years, while the prison population has increased 25%. The duties of the Board, because of the State's increased activities, have increased greater still.

Your two appropriations to the Convict Department aggregated \$500,000.00, out of both of these we used less than \$140,000.00. The payment of Court Costs entailed upon the Department is quite a burden, but you materially relieved this burden in the passage of House Bill No. 91, giving the Governor the authority to parole misdemeanor cases without the payment of Court Costs.

There are many cases where big costs are piled up on ten or twenty day sentences, that place such a burden on the Department and such benefits to collect fees involved in these costs that I, in the exercise of the powers given me under that Bill, have turned loose some light offenders and I am glad to report that the trend is now against sending those cost laden cases to the State. This, in my opinion, has proven beneficial not only in a financial way, but also to society in general.

The Convict Department is now endeavoring to further curtail its expenses by using inmates to fill certain clerical places that have been habitually filled by civilians, thus saving considerable sums.

We are collecting from the Highway Department \$25.00 per month for each convict used by it. This amount is less than the service could be bought in the open market, but it is estimated that this is the cost of the convict to the State. We want to make no profit out of the Highway Department but get as much road construction as our road money will permit.

I will ask that you not disturb the appropriations you have made because much construction, or rather re-construction, is necessary now.

The penitentiary at Speigner burned a few years ago and a very temporary shed was constructed and that shed has rotted and we are already on the reconstruction of something nearly as good as the old building, which will cost us about \$150,000.00.

The refrigeration plant at Atmore also burned a few years ago and we are beginning its reconstruction at a cost of some \$30,000.00 or \$40,000.00.

The men's garment factory and penitentiary at Wetumpka also burned some years ago. We will not reconstruct this because of interstate laws on convict made goods, but we will have to construct for the housing of the increasing population.

You are aware that the examination of public accounts, State and County have been through many Administrations far in arrears. The situation had become so acute that in addition to the

regular appropriation of \$120,000.00, you provided, under House Bill No. 255, for a revolving fund of \$200,000.00 and the appointment of extra examiners to bring those examinations up to date.

This has been largely accomplished. We already have Tax Collectors up to date and in a few months will have all up to date. We are already dropping some of the personnel as assignments are completed and soon will be back to a regular force. This Department has been a total net cost to the State last year of only \$127,422.51, out of both appropriations.

The contribution by the Counties of their part of the examination of their books was \$202,379.62, so the burden on the State is less than \$10,000.00 more than the average through many years. These accountants have charged back to officers, whose accounts have been examined, more than half a million dollars, of which sum \$230,825.64 have been paid in cash and some \$400,000.00 in controversy, a large portion of it in the hands of the Attorney General, which has entailed that office with much unusual burden. This Department is doing the maximum service at a minimum cost.

Of the new agencies created by you, the Highway Patrol is making good. Let's let it keep on.

The Labor Department has operated most satisfactorily. By its friendly mediation, it has smoothed over industrial troubles that bid fair to cost us more than a million dollars.

The Unemployment Insurance and the Old Age Pension Departments are just getting well under way, but bid fair to meet the intended ends.

Our Welfare Department is working marvels. You know you made no appropriation whatever for old age pensions, yet we are paying an average of \$7.39 per month to more than 8,000 old aged. Last month this amounted to more than \$60,000.00. By an arrangement with the Administration at Washington for every Confederate Veteran who was in all respects eligible for old age we got a credit of \$15.00,—so for the widows.

This has been supplemented by the Counties and working together we have not only paid this pension but have closed 55 poor houses in the State. I consider the achievement of this Department marvelous and shall lay before you its report of its work, also the reports of other Departments, which I am summarizing now.

The facts prove that Alabama now has the most efficient fiscal government at the least proportionate cost in its history.

Gentlemen, let us now consider the greatest single matter of unfinished business before us. Saving our Educational System and our Agricultural Program.

This Legislature has already demonstrated a profound interest in human welfare by the educational measures you passed. In my

opinion no Legislature in the history of Alabama has passed more statesmanlike measures affecting public education, and you did it by a unanimous vote. Furthermore, every important educational measure you passed was an economy measure and by economy I mean the securing of a maximum return for a minimum expenditure.

SCHOOL BUDGET LAW

You passed the School Budget Law which requires every board of education to live within its annual income. This law prevents county and city boards of education from spending for current expenses in any year more than its available funds for that year. Operating deficits are thus prevented and the taxpayers of this State will be saved thousands of dollars annually from now on because of the elimination of interest charges on these debts and will never more be embarrassed by accumulating deficits.

SCHOOL WARRANT LAW

You also passed the School Warrant Act as a component part of the School Budget Act. This is indeed a fine piece of legislation. It limits the proportion of the proceeds of any tax which can be pledged. It provides for refunding school warrants at lower rates of interest. It provides that the State Superintendent of Education cannot approve the issuance of warrants by any board of education if expenditures for capital outlays will jeopardize the state minimum school term in the present or in the future. The State Board of Education assists in the marketing of these warrants. Technical defects in our school warrant laws have been corrected and under this new act Alabama school warrants have been sold in the security markets at a much lower rate of interest. Already, during the short term of its duration, this act has enabled school boards to lower the average interest rate on school warrants from 6% to as low as 3%. It is estimated that the net interest saving already effected on present outstanding warrants amounts to approximately \$500,000 during the term of these warrants. It is impossible to estimate the additional hundreds of thousands of dollars which this act will save taxpayers in the future by the prevention of excessive borrowing for capital outlays and by resulting low interest rates.

MINIMUM PROGRAM LAW

But the most important of these economy measures is the Minimum School Program Act. This act with appropriations paid in full provides for a minimum school term of seven months in ev-

ery school in the State and for a nine months high school term throughout the State with the least possible total expenditure.

Let us look at the essential provisions of the Minimum Program Law. It provides first that every county and city in the State must levy seven mills of property tax in addition to the Constitutional three mill property tax for schools in order to receive the maximum benefits of the program. The State three mill Constitutional tax is collected throughout the State and distributed back to local school systems on a per capita basis. Then each county is charged with the levy of four mills of county taxes and each county and city is charged with the levy of a three mill district tax. The county and district taxes totalling seven mills are levied, collected, and spent locally. If any county or city fails to levy any of the total of seven mills of county and district taxes, no State money is given to such counties and cities to fill up the resulting gap. Those counties and cities failing to carry their share of the load alone suffer the loss in funds by their failure to levy the maximum taxes allowed by law. As a matter of fact, practically all the counties and cities have levied all the taxes they can levy under the Constitution. The total of these unlevied taxes is only \$100,000. This sum of money would run the schools of the State only one day. The failure of these few units to levy their full taxes affects only those units not levying their taxes and no other counties or cities. The Minimum Program takes no money away from counties and cities which are levying their full constitutional taxes but in effect penalizes those school systems not levying their full taxes.

The operation of the Minimum Program is simple and equitable. Each county and city is required to levy seven mills of property taxes in addition to the three mill Constitutional property tax. This makes a total of ten mills of property taxes for schools. If this amount of money is not sufficient to operate elementary schools seven months and high schools nine months in any school system, the State pays the difference from the Minimum Program Fund. The appropriation for this fund is paid from state wide taxes such as the tobacco taxes, the hydro electric tax, etc. Isn't that fair and just? Who is there in this group that would begrudge any boy or girl in the State of Alabama a minimum school term of seven months?

The Minimum Program takes no money away from those few units having special municipal and county taxes for the purpose of providing higher salaries than the State Salary Schedule allows, which funds are available to such units over and above the Minimum Program funds.

But the economies of the Minimum Program Act do not stop merely with providing the funds for a seven months term. The

Legislature wisely set up careful controls over the expenditure and apportionment of these funds in order that every dollar expended might obtain the maximum educational return. You required the State Board of Education, acting through the State Department of Education, to apportion funds for teachers' salaries on the basis of the State Salary Schedule. The State Salary Schedule adopted by the State Board of Education places teachers' salaries on a merit basis allowing teachers with advanced training and experience more money than poorly trained, inefficient teachers. The salary scale is so low that the average salary allowed under it for a term of seven months in elementary schools and nine months in high schools is only \$76 per month per teacher. Much has been said about raising teachers' salaries. As a matter of fact, the Salary Schedule has raised teachers' salaries slightly in the lower brackets. In my opinion this is fair and just. The net effect has been negligible on the average teacher's salary. The State cannot equalize educational opportunity merely by providing a seven months term. It must also provide funds sufficient for every school to be taught by a competent teacher.

In this law you next provided funds for school transportation and set up adequate control for economical administration. You allowed an average cost of 8.9c per pupil per day transported only for those students already being transported. This amount is sufficient to pay a bus driver only \$70 per month. Out of this \$70 per month, he must buy his own bus, pay for his gas, oil, and upkeep, and find his salary out of what is left. Is there any reasonable man who can claim that this is an extravagant allowance? You have frequently heard complaints about the cost and inefficiency of small high schools. This Legislature in its wisdom has made it possible to eliminate these small and expensive schools by providing transportation for their consolidation. It is by transportation only that we can eliminate them and you passed an economy measure par excellence when you provided state aid for school transportation. Rural children can receive a standard high school education in no other way than through consolidated schools made possible by transportation. Any effort to cripple school transportation would be a discrimination against the rural youth of Alabama.

You further provided in the Minimum Program for capital outlays in county school systems. While the amount provided was less than the average annual expenditure for that purpose during the four depression years, it has been sufficient to make available to boards of education for school house construction considerable sums of Public Works Administration grants. For every \$55 the State put up for capital outlay, we were enabled to receive \$45 from the Federal Government as a free gift. Is that not an economy measure? But you went even further than that and set up safe

control for the expenditure of both the State and Federal funds for capital outlay. You required every board of education to have a school survey made and prohibited those boards from spending any of these funds on school buildings located at unapproved school centers which would be inefficient and expensive to operate. Furthermore, you required the State Board of Education, through the State Department of Education to either furnish building plans or to examine and approve building plans and inspect school buildings in order to prevent capital outlay funds from being wasted on extravagant buildings. As I have already pointed out, through the School Warrant Act, you specifically prohibited the State Superintendent of Education from approving the issuance of school warrants by school boards which are already heavily in debt.

I shall not go into further detail concerning the scientific, equitable, and democratic features of the Minimum Program. In my judgment it is the greatest economy measure and at the same time, the most statesmanlike educational measure ever passed by any Legislature in the history of the State of Alabama! And it is administered by the State Board of Education through the State Department of Education without one penny of additional expense to the State of Alabama! The State Department of Education cannot use one cent of the Minimum Program Fund for its own expenses but must assume the important and necessary functions of administering this Act in addition to all of its many other duties. This is also economy.

EDUCATIONAL NEEDS

Gentlemen, the issue is squarely up to us. The fine work you have already done stands in danger of being destroyed. You have already passed your educational economy program. Now we must provide the funds with which to make it effective. No adequately informed person who believes in public education can seriously doubt that we must have approximately \$3,500,000.00 to \$4,000,000 of additional funds if our school system is to be placed upon an operating basis. Records show that the State school term was only 5 3/4 months in the elementary schools and 7 3/4 months in the high schools last year. They were kept open a week or two longer on the average only by teachers working for part salaries, by fees and donations, and by spending no funds practically for library books and other instructional supplies. All of you know that our higher institutions received only approximately 30% of their appropriations. Our colleges are in a desperate financial plight and if it is not remedied they will soon become third and fourth rate institutions. An independent investigation of the financial needs of the schools conducted by a group of business men headed by Chas. F. Zukoski, Vice-President of the First

National Bank of Birmingham, concluded that the schools needed all the money being requested.

Further delay in providing for the support of our schools would be the rankest extravagance. Thousands of school children failed of promotion last year because of short terms and must be re-taught in the same grades this year. Is that economy?

When all appropriations to public education are paid in full, it is estimated that our common schools and colleges will have approximately \$3,000,000 less funds available than in 1929-30, despite an increase in attendance of 70,000 in the public schools or 15%, and an increase of enrollment in the colleges of 30%. The Minimum Program was calculated on a depression basis. It makes no allowance for increased attendance or the rising cost of living. The least we can do is to pay the present appropriations to education in full if we are not to pauperize our schools completely.

PROPOSED SOLUTION

Now how shall we raise the needed funds? Some have suggested that we give up the idea of State support for education and increase the property taxes beyond the ten mills already being levied for schools. This could hardly be a serious suggestion for in the first place the poorest counties in the State would have to raise their property taxes from ten mills to forty-six mills in order to operate seven months terms without any State support. Furthermore, experts on taxation agree that property is already bearing more than its fair share of taxes for the support of government.

Others suggest that we divert highway funds for the support of schools. This is a strange economy proposal when we already are unable to take advantage of all available federal grants for highways because of insufficient funds.

Still others suggest that we cut the State pay rolls sufficiently to make up the deficit. The total net State pay roll for salaries paid from the General Funds amounts to less than a million dollars a year. By what legerdemain we can economize on a pay roll of one million enough to make up a deficit of \$4,000,000 is not explained. Such an argument is not even an alibi.

Let's not risk education on liquor. If we should have liquor revenue, let's use it primarily for reducing ad valorem taxation.

Finally, there are some who suggest that assessed valuations will be increased rapidly enough to meet the deficit. This is a wishful thought indeed! Last year the average daily attendance of the public schools increased 17,000 students over 1934-35. This required the addition of more than 600 teachers to the teaching force of the State. School appropriations were calculated on the

basis of the attendance of 1934-35 and no allowance was made for increased attendance. Preliminary reports for this year indicate that school attendance will probably increase even more during 1936-37. School boards will be fortunate indeed if increases in assessed valuations keep pace with increased attendance.

Gentlemen of the Legislature, let us face this task courageously as our great leader, President Franklin D. Roosevelt, would face it! We have a job to do; and let us do it! Let us place human welfare above love of money! Let us not fear that the people will not understand if we do our duty. President Roosevelt was recently given the greatest vote of approval ever given any president, not because he feared his task but because he had the courage to face it! The eyes of the people of Alabama are upon us. The future of our children is in our hands.

Our agricultural program is in as serious jeopardy as is our educational system. Everybody knows that Alabama is fundamentally agricultural; that most of our people live in the country and a large portion of the others live off the country. Everybody in America has learned that when agriculture fails all things fail—when agriculture flourishes all things flourish.

In the acute world-wide competition of to-day the Alabama farmer hasn't a fighting chance to live if he hasn't equal opportunities with those with whom he must compete. He must have available the last word that has been developed by science or experiment and this can come to him only through our agricultural program. His home must know as much as does any other home of domestic economy in its widest sense. This can come to those homes only through the demonstration agencies of our agricultural program.

It must be remembered that this taking of the knowledge to those who use it now brings immediate returns. We are taking care of ourselves and our own and doing it now and this is the only firm foundation for all the betterment that may come throughout the future. We know these things. Let's do them. We know the doctrine laid down by the Master in the Parable of the Talents; that upon those who fail to use their talent is the curse of the outcast. Let us be profitable servants that we may have abundance and enter into the joy of our Lord.

PROPOSED REMEDIES

We need four additional million dollars for this fiscal year and for the two that follow it. Our revenue measures are for this emergency and should be emergency measures and should terminate by their own terms, at the end of this quadriennium, leaving our successors the ample time from January to October to provide

for the problems that confront them. I hope and believe that by that time this emergency will have largely passed, but let us take care of the emergency in a way will impose the least of hardship upon our people; that will encourage rather than handicap our development; that will make for a better citizenship through the coming years—something that our successors would probably never attempt to tear down but to carry on.

In the drift of the day from the old landmarks let us anchor our people to the soil—make every worthy family a home owner. That anchor will more surely than any other hold our Ship of State against “going to sea.”

Let us provide for exempting every homestead as defined in our Constitution, from the State $6\frac{1}{2}$ mills of ad valorem taxes. This will make home owners and thus make good citizenship.

If we should have any liquor revenue, let us use it for the reduction of the ad valorem tax on all other properties than homesteads, and thus bring quickly a full development of our whole State and its every resource.

I earnestly recommend to you the enactment of an excise tax to be known as a privilege license on retail merchandising of personal property and that the measure of that tax be $1\frac{1}{2}\%$ of the gross receipts of that merchandising business that is so licensed, to be payable monthly on the basis of the receipts of the preceding month. This to include amusements run for pay.

Careful estimate convinces us that this will bring in about four and one-half million dollars per year. There is nothing new in this. When I was Governor before we put an excise tax or privilege license on railroads and made the yardstick for the measure $2\frac{1}{2}\%$ of the gross income. This Legislature put a similar 4% license tax on telephone companies. All in addition to the other taxes these businesses bore.

Nobody ever dreamed of calling that a sales tax on railroads, telephone or other similar yardsticks that we use and this, like them, will be a license on the business and it will be the only kind of license that I know of where the one that pays has the option of paying it or of passing it on. We would leave that to the business acumen of each individual. There is no desire to limit competition between merchants. Competition is the life of trade. It couldn't be stopped if we would and we would not stop it if we could.

I urge that you put the returns from this license tax into the Alabama Special Educational Trust Fund charged with the reimbursement of the amount that it takes to exempt homesteads from the $6\frac{1}{2}$ mill State tax. That charge would amount to something like \$850,000 or \$900,000 the first year. It would probably increase thereafter. That will leave us an additional \$3,600,000 or more

ear-marked for education and I would transfer every educational and extension program from the General Fund to that Special Educational Trust Fund.

To make sure that there would always be enough in this Special Educational Trust Fund to pay the appropriations for education, I recommend a further bill be passed appropriating \$1,000,000.00, or as much thereof as may be necessary, out of the General Fund to supply any shortage that may arise in the Special Educational Trust Fund. In this way the educational and farm programs will be assured of one hundred cents on the dollar on the appropriations. They will know that they are going to get that much and in order that they may also know that they are not going to get any more than that amount fixed by your appropriation, I recommend that you pass a bill establishing a "Property Tax Relief Fund" and that every surplus at the end of each year in the Special Educational Trust Fund over and above the appropriation, be transferred to the "Property Tax Relief Fund" and that all the monies in that "Property Tax Relief Fund" be used to reduce the millage tax on all other ad valorem properties; that it be mandatory upon the Governor, as of October 1st, to proclaim the reduction in the State millage tax on property other than homesteads by the amount that the fund in the "Property Tax Relief Fund" permits.

If there be any income from liquor or from any other source in the General Fund, over and above the operating balance of three-quarter million dollars which we had on hand at the beginning of this fiscal year, that any such balance also go into that "Property Tax Relief Fund" and also be used in the reduction of millage taxes on other ad valorem property.

In this way our educational program and our agricultural program will be absolutely secure and absolutely independent of any income that may or may not come from liquor or from any other source. All will know that the educational program and the agricultural program are going to get that fixed amount appropriated to them and no more and no less.

INTOXICANTS

The Sixth and last paragraph of the Proclamation convening you is in these words:

"6th. To regulate the manufacture and sale of spiritous, vinous or malt beverages through State owned and operated stores or other State supervision, and to provide for a referendum thereon to the electors of Alabama."

You will note the last clause is to provide for a referendum to the electors of Alabama. Had this not been inserted it would have required a two-thirds vote to have such a referendum, but this in-

sertion was not for that reason alone. It is because I am firmly of the opinion that the long established policy of Alabama on intoxicants should not be changed unless and until the people shall approve same.

I do not favor having them vote on a "cat in a bag". I prefer the specific measure be presented to them. Not only is it lawful but it is right that they pass upon this matter.

When your Special Session asked for advisory opinions of our Supreme Court you were informed that you could not delegate your authority on such matters as revenue bills because it was your responsibility that could not be delegated. In the vernacular, you were told that you couldn't "pass the buck", but must "face the music". You remember the Court took exactly the opposite position on a referendum on an intoxicant bill—that that referendum was in accordance with the fundamentals of our law.

Now, I have every desire to have the most thorough understanding with you gentlemen on this, as on every other matter. It is within your power to pass anything not in this call by a two-thirds majority. It is within your power to pass all, or any part or none, of the things in this call as you will by a majority of those voting. It is within my power, by executive amendment or veto, to return a bill to you with my objection set out, and then it is within your power by a vote of a majority of those elected to pass the bill as you please.

I am equally insistent upon a plan whereby government will get all profits that may arise from any legalization of intoxicants. The experience of our State and others is that under a license system the profits go to the operators and not to the government. It is my opinion that it can be more easily enforced through a State store system.

I believe that a State store system can be made to net government two and one-half millions of dollars annually, provided we have the co-partnership and wholehearted co-operation of county and city government affected. Therefore, I urge you to divide the proceeds, 60% to the State, 20% to the cities and 20% to the counties. I believe that 60% to the State with the co-partnership and co-operation of the courthouses and city halls will bring more revenue than 100% to the State without that co-operation. The counties and cities need help and it will be fair all around to so divide it.

If such a system should be put through it would be my plan to have the head of it some man of highest type available that never has had or ever will know any politics, that is fearless and clean as some retired general or admiral.

I would want to have the full responsibility for its enforcement in accordance with the laws you pass, and to that end I would ask

you to put the power in my hand and let me be responsible, and clothed with the power to meet the responsibility, to see that it is executed in accordance with your will.

The proceeds of this would go into the General Fund which would take care of any appropriations remaining therein, all educational and agricultural programs having been transferred to the Alabama Special Educational Trust Fund; would take care of Health, Welfare and the other necessities; would leave us enough to increase the allowance of the Insane Hospital and, with the surplus that I anticipate from the Special Educational Trust Fund, would beginning October 1st next, reduce the State ad valorem taxes by two or more mills.

The bills which will be laid before you will carry out this general program; will provide that established hotels and restaurants and clubs may sell in unbroken packages these intoxicants, and the bill puts no limitation on municipalities as to what license they may charge to these vendors.

Gentlemen, we will have met the duty of the hour if we enact the program here suggested.

May God give us the vision to see that duty and the courage to do it, and do it now.

Bibb Graves,
Governor.

At the conclusion of the Governor's Message, the Lieutenant-Governor announced that the purposes of the joint session having been accomplished, the Senate would return to its chamber:

ROLL CALL

Present:

Messrs.:			
Bonner	Kuykendall	Riddle	Swift
Browder	Locke	Rogers	Taylor
Carlton	Mixon	Russell	Thomas
Chesnut	Mooneyham	St. John	Tucker
Cook	McConnell	Simpson	Walton
Dorsey	McDowell	Starnes	Weaver
Frazer	Parrish	Stephens	Wellborn
Glover	Richardson	Stoddard	Woodall
Kelly			

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INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Walton:

S. 1. To adopt the Code of Revenue Laws for the State of Alabama prepared by Harry Simon, and known as "Simon's Compilation of Alabama Revenue Laws".

Committee on Revision of Laws.

By Mr. Walton:

S. 2. To repeal an Act entitled an Act "For the protection of human beings against rabies, to require inoculation against rabies of all dogs running at large, to provide for the apprehension and disposition of dogs running at large which have not been inoculated in accordance with the provisions of this Act, to provide for the confinement of bitten dogs, and dogs that have bitten human beings, to provide a means of enforcement of the provisions of this act, the appointment of a Rabies Inspector, to fix fees for inoculation of dogs, and to fix penalties for the violation of the provisions hereof," approved September 13, 1935.

Committee on Public Health.

By Mr. Walton:

S. 3. To amend Sections 2, 3, 4, 5, 6, 7, and 8 of an Act entitled, "An Act to make appropriations to the Alabama Agricultural Experiment Station at Auburn; to the branch agricultural experiment stations located at Belle Mina in Limestone County, at Crossville in DeKalb County, at Marion Junction in Dallas County, at Headland in Henry County, and at Fairhope in Baldwin County, to the experiment fields located at various points in Alabama; to provide for the purchase of necessary land; to provide for the administration, supervision and direction of the research work carried on by the above agencies; to provide for the purchase of equipment, supplies, and for other necessary expenses involved in the conduct of agricultural researches and experiments on the main station at Auburn, on the branch stations, on the experiment fields, and in cooperation with farmers, and to provide how and from what sources said appropriations shall be derived, the distribution thereof, and the manner in which same shall be paid, Approved September 2, 1935".

Committee on Finance and Taxation.

By Mr. Walton:

S. 4. To amend an Act approved June 6, 1935, and entitled, "An Act to prohibit burglary, defining the degrees of burglary and providing for punishment of violators of this Act."

Committee on Judiciary.

By Mr. Woodall:

S. 5. To define homesteads as herein used and to exempt such homesteads from such State ad valorem taxation.

Committee on Finance & Taxation.

By Mr. Simpson:

S. 6. To create and establish a state-wide Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or part from the public funds of the State of Alabama; to create a State Citizen Supervisory Commission and to create a State Personnel Board and other agencies for the supervision and administration of said System; to define the scope and extent of said System and the powers, duties and authority of said Commission, Board and other agencies; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such Personnel; to provide for payment of the expenses of each such agency; to provide penalties for the violation of this Act and of rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof.

Committee on Revision of Laws.

By Mr. Swift:

S. 7. To amend Chapter 3 of Article 9 of an Act entitled, An Act to provide for the general revenue of the State of Alabama, approved July 10, 1935, Acts 1935, page 256, by striking out Section 320 of said Chapter, and by amending Section 332 of said Chapter so as to make it read as follows:

"Section 332. Money collected paid into Treasury. The payment of the franchise tax provided herein shall be made to the State Tax Commission of Alabama, at Montgomery, Alabama, with checks made payable to the State Treasurer of Alabama, and shall be covered into the Alabama Special Educational Trust Fund, created by sub-division 2-K of Section 2 of an Act of the Legislature approved July 22, 1927, Acts 1927, page 139; and to repeal all laws in conflict herewith.

Committee on Finance & Taxation.

By Mr. Swift:

S. 8. To amend Chapter 8 of Article 13, of an act entitled, An Act to provide for the general revenue of the State of Alabama, "approved July 10, 1935, Acts 1935, page 256, by repealing Schedule 160.21 of said Chapter, and adding thereto Section 160.23 as follows:

Section 160.23. The Superintendent of Insurance shall certify the money so received into the State Treasury, to be covered by

the State Treasurer into the Special Educational Trust Fund, created by sub-division 2-K of Section 2 of an Act of the Legislature approved July 22, 1927, Acts 1927, page 139.

Committee on Finance & Taxation.

By Mr. Swift:

S. 9. To amend Section 345.34 of Article 11 of an Act entitled, An Act to provide for the General Revenue of the State of Alabama, approved July 10, 1935, Acts 1935, page 256.

Committee on Finance and Taxation.

By Mr. Swift:

S. 10. To repeal Section 6 of An Act entitled, "An Act to authorize and provide for the issuance of Refunding Bonds of the State of Alabama for the purpose of Refunding Bonds issued or to be issued pursuant to Act No. 177 of the Legislature of Alabama passed at its Extraordinary Session of Nineteen Thirty Three and approved April 17, 1933, and validating said bonds issued pursuant to Act No. 177. To provide for a sinking fund and to make an appropriation from the State Treasury to meet the deficiencies in the sinking fund and for expenses in refunding said bonds", approved February 8, 1935, Acts 1935, page 118.

Committee on Finance and Taxation.

By Mr. Swift:

S. 11. To amend Chapter 2 of Article 9, of an Act to provide for the general revenue of the State of Alabama, approved July 10, 1935, and printed at page 256 of the Acts of 1935, by adding thereto Section 316.1; and to repeal all laws in conflict therewith.

Committee on Finance and Taxation.

By Mr. Swift:

S. 12. To amend Section 405 of an act entitled, An Act to provide for the General Revenue of the State of Alabama, approved July 10, 1935, Acts 1935, page 256.

Committee on Finance and Taxation.

By Mr. Parrish:

S. 13. To amend Section 1 of an Act entitled, "An Act to provide for Extension Work in Agricultural and home economics by giving instructions to men, women and young people in the several counties in Alabama, by continuing and improving farm and home demonstration work, by providing for the training of men and women leaders, by organizing groups of farm people, including men, women, boys and girls, into clubs for the improvement of agriculture and farm home life, and by conducting Extension Work through other means, all with the view of making farm life more

profitable and attractive; and to aid in securing for Alabama the full amounts of all Federal funds conditionally appropriated to Alabama by the Congress of the United States under an Act approved May 8th, 1914, and generally known as the Smith-Lever Act for Extension work in agriculture and home economics, and other related and supplementary acts; and to make appropriations for these purposes", (Approved September 2, 1935).

Committee on Finance and Taxation.

By Mr. Starnes:

S. 14. To amend Section 5 of an Act entitled, "An Act in relation to the educational system of Alabama; to make annual appropriations and provide funds for the support, maintenance and development of public education in Alabama, for the fiscal years ending September 30, 1936, 1937, 1938 and 1939, including all schools, agencies, services and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, the Alabama School of Trades & Industries, the Alabama College, the Alabama Polytechnic Institute and the University of Alabama, (Approved September 2, 1935)"

Committee on Finance & Taxation.

By Mr. Mooneyham:

S. 15. To repeal Article 10 of the Code of Laws for the State of Alabama prepared in accordance with the provision of the Acts approved February 18, 1927 (H. 273 Goode) as amended by act approved January 31, 1935, known as H. 61. Harrison, and which pertains to the Agriculture and Industries and relating to subjects which are administered by, concern or relate to the duties of the Commissioner of Agriculture and approved for the indexing, publication, sale and distribution of said Code, which is to be known as the Agricultural Code of Alabama, and which Act became effective by a proclamation by the Governor on Oct. 1. 1927.

Committee on Agriculture.

By Mr. Mooneyham:

S. 16. To set up in the State Treasury a Property Tax Relief Fund and to provide for its distribution.

Committee on Finance & Taxation.

By Mr. Stoddard:

S. 17. To appropriate the sum of One Million Dollars (\$1,000,000.00) out of the General Fund to meet any deficit in the Alabama Special Educational Trust Fund.

Committee on Finance & Taxation.

By Mr. Rogers:

S. 18. To require all Sheriffs, who are not on a salary exclusively, but who receive fees or part fees for their services and compensations, to file monthly itemized statements, under oath, with the treasurer, or such other corresponding officer, in their respective counties, showing monies received and expended by them, in all counties of the State of Alabama having a population of not less than one hundred thousand and not exceeding two hundred fifty thousand, according to the last or any subsequent Federal census; and to provide penalties for failure to file such reports.

Committee on Local Legislation.

RESOLUTION

The Rules Committee offered the following joint resolution:

S. J. R. 7. BE IT RESOLVED BY THE SENATE, the House concurring that when the two houses adjourn today that both houses stand adjourned until 10 o'clock tomorrow morning, Tuesday November 24, 1936.

Which was adopted.

RESOLUTION POSTPONED

On motion of Mr. Wellborn further consideration of the resolution:

S. R. 6. WHEREAS, the Governor of the State of Alabama, in a proclamation issued on November 21, 1936, at Montgomery, Alabama, issued a call to the Legislature of Alabama to convene in Extra Ordinary Session as prescribed by Section 122 of the Constitution of Alabama of 1901, at twelve o'clock, Monday on November 23, 1936, and

WHEREAS, the Legislature of Alabama convened in Extra Ordinary Session at twelve o'clock, noon, Monday, on November 23, 1936, and is now in session, and

WHEREAS, the Governor of the State of Alabama designated the following subjects and matters to be considered and acted upon by the Legislature in said Extra Ordinary Session:

"1. To revise the Revenue Laws and to provide additional revenue for the schools and to enable the State, County and City governments to function adequately.

"2. To provide for the payment of all educational activities, experimental and extension services, out of the Alabama Special

Educational Trust Fund and to relieve the General Fund of all such payments.

"3. To provide for an appropriation from the General Fund to take care of any deficit in the Special Educational Trust Fund.

"4. To provide for the exemption from State Ad valorem taxes of homesteads, as defined by the Constitution and Laws of the State of Alabama.

"5. To set up a 'Property Tax Relief Fund' and reduce State ad valorem taxes.

"6. To regulate the manufacture and sale of spirituous, vinous or malt beverages through State owned and operated stores or other State supervision, and to provide for a referendum thereon to the electors of Alabama,"

And

WHEREAS, there will be an effort made in said Extra Ordinary Session of the Legislature of Alabama to pass a bill regulating the manufacture and sale of spirituous, vinous or malt beverages through State owned and operated stores or other state supervision, without providing a referendum thereon to the electors of Alabama:

NOW, THEREFORE, BE IT RESOLVED by the Senate of Alabama that the Justices of the Supreme Court of Alabama or a majority thereof, are hereby requested to render to this Body their written opinion as provided under Section 10290 of the Code of Alabama, 1923, as to whether or not such a bill, regulating the manufacture and sale of spiritous, vinous or malt beverages through State owned and operated stores or other State supervision, without any provision for a referendum thereon to the electors of Alabama, will require a majority vote or a two-thirds vote of the two Houses of the Legislature in order for the same to be enacted into law.

Was postponed by the Senate.

ORDER TO PRINT

On motion of Mr. St. John, 1000 copies of the Governor's Message for the second Extraordinary Session, 1936, were ordered printed for the use of the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown, and, as amended, has adopted the following Senate joint resolution:

By Rules Committee:

S. J. R. 7. Relative to the two houses adjourning today to meet again at 10 o'clock Tuesday.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Riddle, the Senate non-concurred in the following amendment by the House to the resolution, S. J. R. No. 7, the title of which is set out in the foregoing Message from the House, to-wit:

Amend S. J. R. No. 7 by striking the word "tomorrow" and substitute Wednesday, and strike word Tuesday, and by changing 24 to 25.

And requests a Committee of Conference.

MESSAGE FROM THE HOUSE

Mr. President:

The House has receded from its amendment to the Joint resolution:

S. J. R. 7. Relative to adjournment of the two houses and has concurred in and adopted said S. J. R. 7.

E. F. Taylor,
Clerk.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the First Legislative Day approved by the Senate.

ADJOURNMENT

At 5:45 P. M., on motion of Mr. Rogers and in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, November 24th, at 10 A. M.

SECOND DAY

Tuesday, November 24, 1936.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The session was opened with prayer by Senator Chesnut of Cherokee County.

ROLL CALL

Present:

Messrs.:

Bonner	Goldsmith	Parrish	Stephens
Browder	Kelly	Richardson	Swift
Carlton	Kuykendall	Riddle	Thomas
Chesnut	Locke	Rogers	Tucker
Cook	Mixon	Russell	Walton
Dorsey	Mooneyham	St. John	Weaver
Frazer	McConnell	Simpson	Wellborn
Glover	McDowell	Starnes	Woodall

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JOURNAL

On motion of Mr. Mooneyham the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Mooneyham leave of absence was granted Mr. Stoddard.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Walton:

S. 19. To amend Schedule 146 of Section 348 of Article XII, Chapter 2, of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

Committee on Finance & Taxation.

By Mr. Russell:

S. 20. To prohibit reckless driving on public highways of the State of Alabama and to provide for penalties for the violation of this Act.

Committee on Public Roads & Highways.

By Mr. Russell:

S. 21. To amend Section 10 and to repeal Section 6 and to add Section 14 of an Act of the Legislature of Alabama approved September 2, 1935, entitled an Act. To provide for the public safety; to regulate the operation of motor vehicles on the public highways; to provide for the registration and licensing of drivers or operators of motor vehicles and to fix the fees therefor. To authorize the State Highway Commission, with the approval of the Governor, to establish and promulgate reasonable rules and regulations concerning the operation of motor vehicles; to provide punishment and penalties for the violation of the provisions of this Act and of the rules and regulations authorized hereby; to provide for the suspension and revocation of drivers' licenses issued; to authorize the appointment or employment of the necessary officers and agents, and the purchase of the necessary equipment to make the provisions hereof effective; and to provide for the compensation of the officers and agents so employed.

Committee on Public Roads & Highways.

By Mr. Russell:

S. 22. To prohibit the driving of motor vehicles by habitual users of narcotic drugs, or habitual drunkards, or by persons under the influence of liquor or narcotic drugs, and to provide penalties for the violation of this Act.

Committee on Temperance.

By Mr. Kelly:

S. 23. To promote temperance and suppress the evils of intemperance; to discourage the violation of the State statutes forbidding the manufacture, sale, offering for sale of intoxicating liquors to provide for an election in the State in which the qualified electors of the State by a majority vote thereof determine whether or not Alabama's present laws against the manufacture, sale and distribution of prohibited liquors shall be modified; to provide for an election in each of the counties in the State in which

the qualified electors of each county shall, by a majority vote thereof, determine whether or not Alabama's present laws against the manufacture, sale and distribution of prohibited liquors in each such county shall be modified therein; to provide for such elections from time to time in such counties to likewise determine said issue in such respective counties; and in counties authorizing the same such election, to legalize, regulate and control the manufacture, bottling, sale, distribution, transportation, handling, advertising, possession, dispensing, drinking and use of alcohol, brandy, rum whiskey, gin, wine, beer, lager beer, ale port stout, and all liquids, beverages and articles containing alcohol obtained by distillation fermentation, or otherwise; to create a department of Alcoholic Beverage Control and an Alabama Alcohol Beverage Control Board and to define and provide for the functions, duties and powers thereof; to provide for the appointment, suspension, removal, compensation, costs, and expenses of such Board and its members, officers, agents, and employees; to provide for the manufacture, sale and distribution of such alcoholic beverages by said Board; to provide for the sale and purchase at retail at State stores in such counties of alcoholic beverages of a higher alcoholic content than beer; to provide for the sale in such counties of beer and other beverages containing less than 25% alcohol at retail by such persons as shall be so authorized by the said Board; to authorize said Board to issue rules and regulations governing the manufacture, sale and possession of such beverages in said counties; to make it a misdemeanor for any person to purchase any such beverages from person or persons except those authorized by this act and by the Board under the provisions of this act; to appropriate money for the administration of the act and to provide for the disposition of the net profits collected under the act; to provide for the confiscation and disposition of articles declared contraband hereunder; to impose penalties for violations of the act; to repeal all laws and parts of laws in conflict herewith, and to provide that this act shall constitute and be designated and cited as "The Alcoholic Beverage Control Act."

Committee on Temperance.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following:

By the Rules Committee:

H. J. R. 9. Be it resolved by the House, the Senate concurring, that when the two Houses adjourn today they adjourn to meet Tuesday, December 1, 1936, at 11 A. M.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

H. J. R. 9, set out in the foregoing Message from the House was read and referred to the Standing Committee on Rules.

REPORT FROM RULES COMMITTEE

Mr. Riddle, Chairman of the Standing Committee on Rules reported that said committee, in Session, had acted on the following resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 9. BE IT RESOLVED BY THE HOUSE, the Senate concurring, that when the two Houses adjourn today, they adjourn to meet Tuesday, December 1, 1936, at 11 A. M.

Mr. Wellborn offered the following substitute for the resolution, H. J. R. 9, to wit:

RESOLVED BY THE SENATE, the House concurring, that when the two Houses adjourn today, they adjourn to meet again Wednesday, November 25th, 1936, at 10 A. M.

And on motion of Mr. Russell said substitute was laid on the table.

Yeas, 20; Nays, 10.

Yeas:

Messrs.:

Bonner	Frazer	McConnell	Russell
Carlton	Kelly	McDowell	Simpson
Chesnut	Kuvkendall	Parrish	Starnes
Cook	Locke	Riddle	Tucker
Dorsey	Mooneyham	Rogers	Weaver

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Nays:

Messrs.:

Browder	Richardson	Thomas	Wellborn
Goldsmith	St. John	Walton	Woodall
Mixon	Swift		

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The report was concurred in and the resolution was then adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following:

By Mr. Robertson (Cullman):

H. J. R. 10. Be it resolved by the House, the Senate concurring, that no mileage be paid members for this week-end adjournment.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Riddle, the Senate concurred in and adopted the resolution, H. J. R. 10, set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following:

By Mr. Blann:

H. J. R. 8. WHEREAS, many members of the legislature are forced to spend an extra night in Montgomery when the session begins at 10 o'clock A. M. after a week-end adjournment and they would be permitted to spend that night at home if the session began at 11 A. M.; Therefore,

Be it Resolved by the House, the Senate concurring, that in the future the first session after each week-end adjournment begin at 11 A. M. instead of 10 A. M.

And sends same forthwith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Russell, the Senate concurred in and adopted the resolution, H. J. R. 8, set out in the foregoing Message from the House.

RESOLUTIONS

Mr. Wellborn offered the following resolution:

S. R. 8. WHEREAS, the Governor of the State of Alabama, in a proclamation issued on November 21, 1936, at Montgomery, Alabama issued a call to the Legislature of Alabama to convene in Extra Ordinary Session as prescribed by Section 122 of the Constitution of Alabama of 1901, at twelve o'clock Monday on November 23, 1936, and

WHEREAS, the Legislature of Alabama convened in Extra Ordinary Session at twelve o'clock, noon, Monday, on November 23, 1936, and is now in session and,

WHEREAS, the Governor of the State of Alabama designated the following subjects and matters to be considered and acted upon the Legislature in said Extra Ordinary Session:

"1. To revise the Revenue Laws and to provide additional revenue for the schools and to enable the State, County and City governments to function adequately.

"2. To provide for the payment of all educational activities, experimental and extension services, out of the Alabama Special Educational Trust Fund and to relieve the General Fund of all such payments.

"3. To provide for an appropriation from the General Fund to take care of any deficit in the Special Educational Trust Fund.

"4. To provide for the exemption from State ad valorem taxes of homesteads, as defined by the Constitution and Laws of the State of Alabama.

"5. To set up a 'Property Tax Relief Fund' and reduce State ad valorem taxes.

"6. To regulate the manufacture and sale of spirituous, vinous or malt beverages through State owned and operated stores or other State supervision, and to provide for a referendum thereon to the electors of Alabama."

And

WHEREAS, there will be an effort made in said Extra Ordinary Session of the Legislature of Alabama to pass a bill regulating the manufacture and sale of spirituous, vinous or malt beverages through state owned and operated stores or other state supervision, without providing a referendum thereon to the electors of Alabama:

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF ALABAMA that the Justices of the Supreme Court of Alabama or a majority thereof, are hereby requested to render to this Body their written opinion as provided under Section 10290 of the Code of Alabama, 1923, as to whether or not such a bill,

regulating the manufacture and sale of spirituous, vinous or malt beverages through State owned and operated stores or other State supervision, without any provision for a referendum thereon to the electors of Alabama, will require a majority vote or a two-thirds vote of the two Houses of the Legislature in order for the same to be enacted into law.

And on motion of Mr. Wellborn, the rules were suspended and the resolution was adopted.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the second Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the second Legislative day approved by the Senate.

ADJOURNMENT

At 11:25 A. M., on motion of Mr. Mooneyham and in accordance with joint resolution heretofore adopted, the Senate adjourned until 11 A. M. Tuesday, December 1st, 1936.

THIRD DAY

Tuesday, December 1st, 1936.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The session was opened with prayer by Senator Chesnut of Cherokee.

ROLL CALL

Present:

Messrs.:

Bonner	Locke	Russell	Taylor
Browder	Mixon	St. John	Thomas
Carlton	Mooneyham	Simpson	Tucker
Chesnut	McConnell	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Frazer	Richardson	Stoddard	Wellborn
Goldsmith	Riddle	Swift	Woodall
Kelly	Rogers		

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JOURNAL

On motion of Mr. Riddle the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Taylor, leave of absence was granted Mr. Parrish for today.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Simpson:

S. 24. To amend Sections 1, 2, 5 and 6 of an Act entitled "An Act to Promote the Objects of the National Housing Act by authorizing banks, savings banks, trust companies, insurance companies and building and loan associations to make loans pursuant to Titles I and II of the National Housing Act, and by authorizing banks, savings banks, trust companies, insurance companies,

building and loan associations, to invest in mortgages insured, and in debentures issued, by the Federal Housing Administrator, and to invest in securities of National Mortgage Associations," approved January 31, 1935, as amended by an Act approved August 15, 1935, and as further amended by an Act approved April 15, 1936, for clarification purposes.

Committee on Revision of Laws.

By Mr. Simpson:

S. 25. To propose an amendment to the Constitution of Alabama to be known as Article——, and to be in the following words and figures: "Article——. All income received and taxes collected by the state except unemployment compensation funds shall be covered into the general fund in the State Treasury and no money shall be paid out of the State Treasury except by appropriation duly made by the Legislature. If the Legislature shall for any given year appropriate more money than is available, such appropriations shall be paid ratably and proportionally, except that appropriations for payments on the public debt shall receive priority. All income and taxes now pledged by the State to the payment of specific indebtedness shall remain so pledged to the extent necessary fully to meet the maturities of such indebtednesses as same accrue and current surpluses of such pledged income or tax shall become a part of the general fund in the State Treasury."

Committee on Constitution and Constitutional
Revision and Amendments.

The above bill was read at length a first time as required by the Constitution.

By Mr. Bonner:

S. 26. To prohibit making of false written campaign statements, promises or pledges by any candidate for any office in Alabama, either State, County or municipal, and to provide punishments therefor.

Committee on Privileges & Elections.

By Mr. Nixon:

S. 27. To provide a fee to be paid the Sheriff or other person who furnishes the evidence in all cases of a conviction for a violation of any provision of Chapter 142 of the Criminal Code of Alabama of 1923, and to provide the manner of payment.

Committee on Revision of Laws.

By Mr. Tucker:

S. 28. To provide for the granting of a free scholarship in certain schools of the State of Alabama, to the value of one hundred dollars each year, upon the donation to the State by the American

Legion or the American Legion Auxiliary of the State of Alabama of the sum of twelve hundred and fifty dollars for the securing of each such scholarship.

Committee on Education.

By Mr. Simpson:

S. 29. To amend an Act entitled "An Act—To provide for the guardianship of incompetent veterans and of minor children of disabled or deceased veterans, and the commitment of veterans and to make uniform the law with reference thereto, and to repeal Sections 8120, 8121, 8123, 8124, 8125, 8126, 8127, 8128, 8129, 8130, 8131, 8132, 8133, 8134, of the Code of Alabama, 1923, and an Act entitled 'An Act to provide for the commitment of veterans of any war, military occupation or expedition, who are of unsound mind, to a United States Veterans' Bureau hospital for restraint, care and treatment', approved September 6, 1927, and all other laws or parts of laws inconsistent with this act", approved by the Governor of Alabama June 6, 1931, and to further prescribe and define the duties of fiduciaries appointed pursuant to said act.

Committee on Judiciary.

By Mr. Thomas & Simpson:

S. 30. To provide for the payment to the Sheriffs of the several Counties of the State out of the State Treasury certain fees for service in the feeding of prisoners, and to repeal an Act of the Legislature approved July 10, 1935, entitled "An Act to provide for payment to the Sheriffs of the several Counties of the State for service in preparing food of prisoners, serving food of prisoners and other services incident to the feeding of prisoners, not including the food to be served to prisoners, and to specifically repeal Section 4828 of the Code of Alabama of 1923." (General Acts 1935, page 595).

Committee on Finance & Taxation.

By Mr. Rogers:

S. 31. To fix the amount of the salary or compensation of the County Treasurer in any Counties of the State, having a population of not less than one hundred and ten thousand and not more than two hundred thousand, according to the last, or to any succeeding Federal Census; to provide the manner and method of its payment, and to repeal all laws, general, special, or local, in conflict with the provisions of this Act.

Committee on Local Legislation.

REPORTS OF COMMITTEES

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on

the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Rogers:

S. 18. To require all Sheriffs, who are not on a salary exclusively, but who receive fees or part fees for their services and compensations, to file monthly itemized statements, under oath, with the treasurer, or such other corresponding officer, in their respective counties, showing monies received and expended by them, in all counties of the State of Alabama having a population of not less than one hundred thousand and not exceeding two hundred fifty thousand, according to the last or any subsequent Federal census; and to provide penalties for failure to file such reports.

OPINION FROM THE SUPREME COURT

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

OCTOBER TERM, 1936-37

IN RE OPINION OF THE JUSTICES

To the Senate of Alabama:

Responding to Senate Resolution No. 8, requesting an advisory opinion under Section 10290 of the Code of Alabama, 1923, as to whether or not a proposed bill "regulating the manufacture and sale of spirituous, vinous or malt beverages through State owned and operated stores or other State Supervision, without any provision for a referendum thereon to the electors of Alabama, will require a majority vote or a two-thirds vote of the two Houses of the Legislature in order for the same to be enacted into law," we respectfully submit:

The Special Session of the Legislature now convened was called pursuant to Section 122 of the State Constitution, which vests in the Governor full discretion to determine the existence of an "extraordinary occasion" for such session. The session is convened by proclamation. The Governor "shall state specifically in such proclamation each matter concerning which the action of that body is deemed necessary." Section 76 of the Constitution ordains: "When the legislature shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session, except by a vote of two-thirds of each House."

Under the Constitution of 1875, Section 37, as in many States, the Legislature, at such session, could not legislate upon subjects other than those designated in the Governor's Proclamation.

The general purpose of Section 76 as now written is to have the Legislature deal primarily with the subjects of legislation for which it is convened, without entirely excluding other legislation enacted by a two-thirds vote of each House.

Your inquiry calls for a consideration of what are the subjects of legis-

lation designated in the Governor's Proclamation within the meaning of these constitutional provisions.

Section 76 is to be construed in connection with other provisions dealing with the division of the powers of government. All legislative power is vested in the Legislature. This is of the genius of our institution.

One reason and authority found in the decisions of sister states, we are of the opinion that Section 76, while giving the Governor a rather free hand in defining the special subjects of legislation to be considered at a special session, does not contemplate any restriction on the legislative power to shape the laws, prescribe the details of legislation on the subjects designated.

Paragraph 6 of the Governor's Proclamation, designating the subjects of legislation, reads:

"6. To regulate the manufacture and sale of spirituous, vinous or malt beverages through State owned and operated stores or other State supervision, and to provide for a referendum thereon to the electors of Alabama."

We are of opinion the subject here designated is the regulation of the manufacture and sale of spirituous, vinous or malt beverages in this State.

The matter of a referendum, *vel non*, is within this subject, and a matter for the determination of the Legislature. The reference to a referendum in the proclamation is to be treated as advisory merely.

We are, therefore, of opinion that a bill dealing with the subject designated in paragraph 6, above, with no provision for a referendum, may be enacted by a vote of a majority of each House. See *Sims v. Weldon*, 165 Ark. 13, 263 S. W. 42; *Ex parte A. M. Fulton*, 86 Tex. Cr. 149, 215 S. W. 331; *State ex rel. National Conservation Exposition Co. v. Woolen*, State Comptroller, 128 Tenn. 456, 161 S. W. 1006, Ann. Cases 1915-C, 465; *Likins's Petition* (No. 1), 37 Pennsylvania Superior Reports 625, 72 Atl. 862; *The Denver and Rio Grande Railroad Company v. Moss*, 50 Colo. 282, 115 Pac. 696; 59 C. J. pages 526, 527, section 20, and Notes.

It is not intended to indicate any change of views of the several Justices on the question of delegation of legislative power by referendum as expressed in *re Opinions of the Justices*, 232 Ala. page 56, *Ib.* page 60. Such question is not here presented.

Respectfully submitted,

JNO. C. ANDERSON,
Chief Justice
LUCIEN D. GARDNER,
WILLIAM H. THOMAS,
VIRGIL BOULDIN,
JOEL B. BROWN,
ARTHUR B. FOSTER,
THOMAS E. KNIGHT,
Associate Justices.

OPINION

The foregoing opinion relative to S. R. 8, was read and ordered spread upon the Journal.

RESOLUTIONS

The Rules Committee reported the following joint resolution:

S. J. R. 9. BE IT RESOLVED by the Senate, the House concurring, that when the two Houses adjourn today they adjourn.

to meet again on Wednesday, December 2nd, 1936, at three o'clock P. M.

Which was adopted.

Mr. Walton offered the following resolution:

S. R. 10. WHEREAS, the Senate of Alabama has heard with profound regret of the death of Senator Harry L. Glover of the Nineteenth Senatorial District of Alabama, at his home at Leroy, in Washington County; and

WHEREAS, Senator Glover was a conscientious, able and faithful member of the present Senate of Alabama, and was untiring in his efforts to serve the people of his District and of Alabama in this body; and

WHEREAS, the Senate of Alabama desires to express its regret and sense of loss in the passing of Senator Harry L. Glover:

NOW, THEREFORE, BE IT RESOLVED by the Senate of Alabama that we do hereby express our regret and sense of loss in the passing of Senator Harry L. Glover, of the Nineteenth Senatorial District of Alabama, and do hereby express to his family our heartfelt sympathy in their time of bereavement. BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the family of the late Senator Harry L. Glover, and that a copy be spread upon the Journal of the Senate.

And on motion of Mr. Walton, the rules were suspended and the resolution was adopted.

Mr. Carlton offered the following resolution:

S. R. 11. BE IT RESOLVED BY THE SENATE that the President of the Senate appoint one additional member on the Standing Committee on Local Legislation.

And on motion of Mr. Rogers the rules were suspended and the resolution was adopted.

Thereupon the Lieutenant-Governor and President of the Senate appointed Senator C. M. A. Rogers as a member of the Standing Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has adopted the following Senate joint resolution:

By Rules Committee:

S. J. R. 9. Relative to the two houses adjourning today to meet again on Wednesday, December 2nd, at 3:00 o'clock.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

Mr. Riddle moved that the Senate non-concur in the following amendment by the House to S. J. R. No. 9, the title of which is set out in the foregoing message from the House, to-wit:

Be it resolved by the Senate, the House concurring, that when the two houses adjourn today, they adjourn to meet again Friday, Dec. 4, 1936, at 10 o'clock A. M.

Mr. Dorsey moved to table the motion of Mr. Riddle to non-concur in the House amendment, which motion was lost and the Senate refused to table the motion to non-concur.

Yeas, 14; Nays, 16.

Yeas:

Messrs.:

Bonner	Mixon	Russell	Taylor
Carlton	McConnell	Simpson	Tucker
Dorsey	McDowell	Swift	Weaver
Frazer	Rogers		

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Nays:

Messrs.:

Browder	Locke	St. John	Thomas
Chesnut	Mooneyham	Starnes	Walton
Goldsmith	Richardson	Stephens	Wellborn
Kelly	Riddle	Stoddard	Woodall

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The question then recurred on concurrence in the House amendment and the Senate refused to concur and requested a Committee of Conference. The President of the Senate appointed as conferees on part of the Senate Messrs. Riddle and Kelly.

MESSAGE FROM THE HOUSE

Mr. President:

The House accedes to the request of the Senate for Committee of Conference on the disagreement of the two houses on the House amendment to the following Senate joint resolution:

By Rules Committee:

S. J. R. 9. Relative to the two houses adjourning today to meet again on Wednesday, December 2, at 3:00 o'clock.

And the Speaker Pro-tem has appointed as conferees on the part of the House Messrs. Poole, Ellis and Lusk.

E. F. Taylor,
Clerk.

ORDER TO PRINT

On motion of Mr. Simpson 500 copies of the bill:

S. 25. To propose an amendment to the Constitution of Alabama to be known as Article——, and to be in the following words and figures: "Article——. All income received and taxes collected by the state except unemployment compensation funds shall be covered into the general fund in the State Treasury and no money shall be paid out of the State Treasury except by appropriation duly made by the Legislature. If the Legislature shall for any given year appropriate more money than is available, such appropriations shall be paid ratably and proportionally, except that appropriations for payments on the public debt shall receive priority. All income and taxes now pledged by the State to the payment of specific indebtednesses shall remain so pledged to the extent necessary fully to meet the maturities of such indebtednesses same accrue and current surpluses of such pledged income or tax shall become a part of the general fund in the State Treasury.

Were ordered printed for the use of the Senate.

REPORT OF THE JOINT COMMITTEE OF CONFERENCE

ON S. J. R. NO. 9.

To the President of the Senate
The Speaker of the House

Your Conference Committee appointed to consider the disagreement of the two Houses on Senate Joint Resolution No. 9, beg leave to report that we recommend that the Senate recede from its position; that Senate Joint Resolution No. 9 as amended by the House be adopted.

D. Hardy Riddle
J. L. Kelly
Conferees on Part of
the Senate
L. H. Ellis
J. N. Poole
J. A. Lusk, Jr.
Conferees on the part
of the House

CONFERENCE REPORT

On motion of Mr. Rogers, the Senate concurred in and adopted the foregoing report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the resolution:

S. J. R. 9. BE IT RESOLVED BY THE SENATE, the House concurring, that when the two Houses adjourn today they

adjourn to meet again on Wednesday, December 2nd, 1936, at three o'clock P. M.

And the Senate then concurred in and adopted the House amendment to S. J. R. No. 9.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the report of the Committee of Conference on the disagreement of the two Houses on the House amendment to the following Senate joint resolution:

By the Rules Committee:

S. J. R. 9. Relative to the two Houses adjourning today to meet again at 10:00 A. M. Friday, December 4, 1936.

And said Senate Joint Resolution No. 9, as amended, was adopted.

And said Senate Joint Resolution No. 9, together with the Report of Committee of Conference, is herewith returned to the Senate.

E. F. Taylor,
Clerk.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the third Legislative Day approved by the Senate.

ADJOURNMENT

At 2:20 P. M., on motion of Mr. Tucker and pursuant to Joint Resolution heretofore adopted, the Senate adjourned until Friday, December 4, 1936 at ten A. M.

FOURTH DAY

Friday, December 4th, 1936.

The Senate met pursuant to adjournment, Lieutenant Governor Knight presiding.

PRAYER

The session was opened with prayer by H. G. Earnest, Door-keeper of the Senate.

ROLL CALL

Present:

Messrs.:			
Bonner	Mixon	Rogers	Thomas
Browder	Mooneyham	Russell	Tucker
Carlton	McConnell	St. John	Walden
Chesnut	McDowell	Simpson	Walton
Dorsey	Parrish	Starnes	Weaver
Frazer	Richardson	Stephens	Wellborn
Kelly	Riddle	Taylor	Woodall
Locke			

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JOURNAL

On motion of Mr. Mooneyham the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Mixon, indefinite leave of absence was granted Mr. Kuykendall on account of illness.

On motion of Mr. Tucker, leave of absence was granted Mr. Swift for today.

On motion of Mr. Walton, leave of absence was granted Mr. Cook for today.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Browder:

S. 32. To appropriate the sum of Six Hundred Thousand Dollars (\$600,000), from the Treasury of the State of Alabama; to

designate the purpose of and to whom said appropriation shall be made; and to provide when same shall be paid and how the same shall be expended.

Committee On Finance & Taxation.

By Mr. Browder:

S. 33. To appropriate the sum of Three Hundred and Ninety Five Thousand Dollars (\$395,000), from the Treasury of the State of Alabama; to designate the purpose of and to whom said appropriation shall be made; and to provide when same shall be paid and how the same shall be expended.

Committee On Finance & Taxation.

By Mr. Richardson:

S. 34. To amend Section 3022 of the Code of Alabama of 1923.

Committee on Revision of Laws.

By Mr. Carlton:

S. 35. To repeal sections 405, 406, 407, 408, 409, 410, 411 and 412 of the Code of Alabama of 1923, and repeal an act entitled "An act to further regulate the voting of absentee ballots in the State of Alabama; to prohibit the Judges of Probate and other officers from handling absentee ballots in elections where such officers are candidates; to provide for and require elections officers for handling and tabulating absentee ballots; to provide for the punishment of violations; and to repeal such parts of present laws as are in conflict herewith", approved April 19, 1933.

Committee on Privileges & Elections.

By Mr. Carlton:

S. 36. To amend Section 3022 of the Code of Alabama of 1923.

Committee on Revision of Laws.

By Mr. Locke:

S. 37. To provide for the exemption from ad valorem taxation of the property of all incompetent veterans to the value of one thousand dollars and to define the meaning of the term incompetent veterans.

Committee on Finance & Taxation.

REPORTS OF COMMITTEES

Mr. McDowell, Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Simpson:

S. 25. To propose an amendment to the Constitution of Alabama to be known as Article _____, and to be in the following words and figures: "Article _____. All income received and taxes collected by the state except unemployment compensation funds shall be covered into the general fund in the State Treasury and no money shall be paid out of the State Treasury except by appropriation duly made by the Legislature. If the Legislature shall for any given year appropriate more money than is available, such appropriations shall be paid ratably and proportionally, except that appropriations for payments on the public debt shall receive priority. All income and taxes now pledged by the State to the payment of specific indebtednesses shall remain so pledged to the extent necessary fully to meet the maturities of such indebtednesses as same accrue and current surpluses of such pledged income or tax shall become a part of the general fund in the State Treasury."

The above bill was read a second time at length as required by the Constitution.

Mr. Russell, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate without Recommendation, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Walton:

S. 3. To amend Sections 2, 3, 4, 5, 6, 7, and 8 of an Act entitled, "An Act to make appropriations to the Alabama Agricultural Experiment Station at Auburn; to the branch agricultural experiment stations located at Belle Mina in Limestone County, at Crossville in DeKalb County, at Marion Junction in Dallas County, at Headland in Henry County, and at Fairhope in Baldwin County, to the experiment fields located at various points in Alabama; to provide for the purchase of necessary land; to provide for the administration, supervision and direction of the research work carried on by the above agencies; to provide for the purchase of equipment, supplies, and for other necessary expenses involved in the conduct of agricultural researches and experiments on the main station at Auburn, on the branch stations, on the experiment fields, and in cooperation with farmers, and to provide how and from what sources said appropriations shall be derived, the distribution thereof, and the manner in which same shall be paid, Approved September 2, 1935".

By Mr. Woodall:

S. 5. To define homesteads as herein used and to exempt such homesteads from such State ad valorem taxation.

By Mr. Swift:

S. 7. To amend Chapter 3 of Article 9 of an Act entitled, An Act to provide for the general revenue of the State of Alabama, approved July 10, 1935, Acts 1935, page 256, by striking out Section 320 of said Chapter, and by amending Section 332 of said Chapter so as to make it read as follows: "Section 332. Money collected paid into Treasury. The payment of the franchise tax provided herein shall be made to the State Tax Commission of Alabama, at Montgomery, Alabama, with checks made payable to the State Treasurer of Alabama, and shall be covered into the Alabama Special Educational Trust Fund, created by sub-division 2-K of Section 2 of an Act of the Legislature approved July 22, 1927, Acts 1927, page 139; and to repeal all laws in conflict herewith.

By Mr. Swift:

S. 8. To amend Chapter 8 of Article 13, of an act entitled An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935, Acts 1935, page 256, by repealing Schedule 160.21 of said Chapter, and adding thereto Section 160.23 as follows: Section 160.23. The Superintendent of Insurance shall certify the money so received into the State Treasury, to be covered by the State Treasurer into the Special Educational Trust Fund, created by sub-division 2-K of Section 2 of an Act of the Legislature approved July 22, 1927, Acts 1927, page 139.

By Mr. Swift:

S. 9. To amend Section 345.34 of Article 11 of an Act entitled An Act to provide for the General Revenue of the State of Alabama, approved July 10, 1935, Acts 1935, page 256."

By Mr. Swift:

S. 10. To repeal Section 6 of an Act entitled, "An Act to authorize and provide for the issuance of Refunding Bonds of the State of Alabama for the purpose of Refunding Bonds issued or to be issued pursuant to Act No. 177 of the Legislature of Alabama passed at its Extraordinary Session of Nineteen Thirty Three and approved April 17, 1933, and validating said bonds issued pursuant to Act No. 177. To provide for a sinking fund and to make an appropriation from the State Treasury to meet the deficiencies in the sinking fund and for expenses in refunding said bonds," approved February 8, 1935, Acts 1935, page 118.

By Mr. Swift:

S. 11. To amend Chapter 2 of Article 9, of an Act to provide for the general revenue of the State of Alabama," approved July 10, 1935, and printed at page 256 of the Acts of 1935, by adding thereto Section 316.1; and to repeal all laws in conflict therewith.

By Mr. Swift:

S. 12. To amend Section 405 of an act entitled, an act to provide for the General Revenue of the State of Alabama, approved July 10, 1935, Acts 1935, page 256:

By Mr. Parrish:

S. 13. To amend Section 1 of an Act entitled, "An Act to provide for Extension Work in Agricultural and home economics by giving instructions to men, women and young people in the several counties in Alabama, by continuing and improving farm and home demonstration work, by providing for the training of men and women leaders, by organizing groups of farm people, including men, women, boys and girls, into clubs for the improvement of agriculture and farm home life, and by conducting Extension Work through other means, all with the view of making farm life more profitable and attractive; and to aid in securing for Alabama the full amounts of all Federal funds conditionally appropriated to Alabama by the Congress of the United States under an Act approved May 8th, 1914, and generally known as the Smith-Lever Act for Extension work in agriculture and home economics, and other related and supplementary acts; and to make appropriations for these purposes", (Approved September 2, 1935).

By Mr. Starnes:

S. 14. To amend Section 5 of an Act entitled, "An Act in relation to the educational system of Alabama; to make annual appropriations and provide funds for the support, maintenance and development of public education in Alabama, for the fiscal years ending September 30, 1936, 1937, 1938 and 1939, including all schools, agencies, services and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, the Alabama School of Trades & Industries, the Alabama College, the Alabama Polytechnic Institute and the University of Alabama, (Approved September 2, 1935)".

By Mr. Mooneyham:

S. 16. To set up in the State Treasury a Property Tax Relief Fund and to provide for its distribution.

By Mr. Stoddard:

S. 17. To appropriate the sum of One Million Dollars (\$1,000,000.00) out of the General Fund to meet any deficit in the Alabama Special Educational Trust Fund.

By Mr. Walton:

S. 19. To amend Schedule 146 of Section 348 of Article XII, Chapter 2, of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

Mr. Parrish, Chairman of the Standing Committee on Public Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar to-wit:

By Mr. Walton:

S. 2. To repeal an Act entitled an Act "For the protection of human beings against rabies, to require inoculation against rabies of all dogs running at large, to provide for the apprehension and disposition of dogs running at large which have not been inoculated in accordance with the provisions of this Act, to provide for the confinement of bitten dogs, and dogs that have bitten human beings, to provide a means of enforcement of the provisions of this act, the appointment of a Rabies Inspector, to fix fees for innoculation of dogs, and to fix penalties for the violation of the provisions hereof," approved September 13, 1935.

ORDER TO PRINT

On motion of Mr. Walton, 500 copies of the bill:

S. 6. To create and establish a state-wide Civil Service System, affecting certain personnel where compensation is now or may hereafter be payable in whole or part from the public funds of the State of Alabama; to create a State Citizen Supervisory Commission and to create a State Personnel Board and other agencies for the supervision and administration of said System; to define the scope and extent of said System and the powers, duties and authority of said Commission, Board and other agencies; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such Personnel; to provide for payment of the expenses of each such agency; to provide penalties for the violation of this Act and of rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof.

Were ordered printed for the use of the Senate.

BILL ON THIRD READING

The Bill:

S. 18. To require all Sheriffs, who are not on a salary exclusively, but who receive fees or part fees for their services and compensations, to file monthly itemized statements, under oath, with the treasurer, or such other corresponding officer, in their respective counties, showing monies received and expended by

them, in all counties of the State of Alabama having a population of not less than one hundred thousand and not exceeding two hundred fifty thousand, according to the last or any subsequent Federal census; and to provide penalties for failure to file such reports.

Was read a third time at length and ordered sent forthwith to the House without engrossment.

Yeas, 28; Nays, 0.

Yeas:

Messrs:

Bonner	Locke	Rogers	Thomas
Browder	Mooneyham	Russell	Tucker
Carlton	McConnell	St. John	Walden
Chesnut	McDowell	Simpson	Walton
Dorsey	Parrish	Starnes	Weaver
Frazer	Richardson	Stephens	Wellborn
Kelly	Riddle	Taylor	Woodall

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Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following:

By Mr. Welch:

H. J. R. 13. Resolved by the House, the Senate concurring, that when the two houses adjourn today they adjourn to meet at eleven A. M. Tuesday December 8th 1936.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Riddle, the Senate concurred in and adopted the resolution, H. J. R. 13, which is set out in the foregoing message from the House.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the fourth Legislative day

and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the fourth Legislative day approved by the Senate.

ADJOURNMENT

At 11:20, on motion of Mr. Walton and in accordance with joint resolution heretofore adopted, the Senate adjourned until Tuesday, December 8th, 1936, at 11 A. M.

FIFTH DAY

Tuesday, December 8th, 1936

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The session was opened with prayer by Mr. H. G. Earnest, Doorkeeper of the Senate.

ROLL CALL

Present:

Messrs.:

Bonner
Browder
Carlton
Chesnut
Cook
Dorsey
Frazer
Kelly

Locke
Mixon
Mooneyham
McConnell
McDowell
Parrish
Richardson
Riddle

Rogers
Russell
St. John
Starnes
Stephens
Stoddard
Swift

Taylor
Thomas
Tucker
Walton
Weaver
Wellborn
Woodall

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JOURNAL

On motion of Mr. Mooneyham the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Tucker, leave of absence was granted Mr. Simpson for today.

On motion of Mr. Dorsey, leave of absence was granted Mr. Goldsmith on account of illness.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Swift:

S. 38. To provide for the refunding of outstanding school warrants by County Boards of Education and to validate certain outstanding school warrants heretofore issued by such Boards.

Committee on Finance and Taxation

By Mr. Richardson:

S. 39. To abolish the office of County Treasurer of Madison County, Alabama; to authorize the Board of County Commissioners for said County to name a bank or banks of said county as county depository or depositories; to provide for the selection of such depository or depositories, and the security furnished by them, and their duties and compensation.

Committee on Local Legislation

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that application will be made to the next special session of the present Legislature of Alabama for the passage of the following local act:

AN ACT

To abolish the office of County Treasurer of Madison County, Alabama: to authorize the board of County Commissioners for said County to name a bank or banks of said County as County depository or depositories; to provide for the selection of such depository or depositories, and the security furnished by them and their duties and compensation.

Be it enacted by the Legislature of Alabama:

Sec. 1. The office of County Treasurer of Madison County, Alabama, is hereby abolished.

Sec. 2. That all moneys heretofore required by law to be paid to the County Treasurer shall be put into said National or State Bank or banks of said County as the Board of County Commissioners of said County may elect to the credit of said County, and all settlements heretofore required by law to be made with said Treasurer shall be made with such Board of County Commissioners, the receipt of said bank or banks so designated being sufficient voucher, and all sworn reports heretofore required by law to

be made by said Treasurer to be made by such Board of County Commissioners.

Sec. 3. Accounts shall be opened and kept in said bank or banks in such manner and funds as said Board may direct, disbursements to be made upon the order of the Board of County Commissioners, and said bank or banks shall furnish said Board with a full and detailed statement of the receipts and disbursements on the second Monday of January and July in each and every year.

Sec. 4. The Board of County Commissioners shall from sealed bids place the County funds, the bids being opened on the first Monday in December of each year, with such State or National Bank or Banks in said County as offers or offer the highest rate of interest to said County on daily balances of bank deposits, such placing of said County funds to be for the period of the following calendar year, and in the event no offer of interest is made by any such bank the Board of County Commissioners may designate such bank or banks as they deem best fitted to perform such services.

Sec. 5. The Board of County Commissioners of said County shall require adequate bond of said bank or banks to secure the safety of said deposits, which bond shall be in an amount as shall be set and fixed by said Board, having due regard to the amount of the deposits and the safety thereof. Provided, however, that the Board of County Commissioners may accept from such Depository in lieu of said bond, bonds of the State of Alabama, or bonds of the United States of America, in a like amount, to be held as security for such deposits with the same liability as on official bonds.

Sec. 6. The bank or banks so designated shall be charged with all the duties and subject to the same liabilities, insofar as the safe keeping and paying out of the funds of said County are concerned, as are now imposed by law upon the County Treasurer.

Sec. 7. Such Depository or Depositories may maintain all actions and proceedings of every kind which the County Treasurer may maintain, and all actions and proceedings may be brought against such Depository or Depositories which can be brought against the County Treasurer, including extraordinary and summary orders and proceedings. The bank or banks acting as such County Depository shall not receive any compensation or commission or other allowance for services as such. All warranty drawn upon the Depository must be signed by the Chairman of the Board of County Commissioners, and he shall be liable for the amounts of any warrants drawn upon and paid by such Depository without authority of law.

STATE OF ALABAMA } MADISON COUNTY }

Before me, W. P. Nicholson, a notary public in and for said state and county, personally appeared J. M. Langhorne, known to me, who being by me first duly sworn, deposes and says he is Vice-President of The Huntsville Times, that it is a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached notice to abolish the office of county treasurer of Madison County, Alabama, to authorize the Board of County Commissioners to name a bank or banks of said County as County Depository or Depositories, was published in the legal editions of the said newspaper for November 4, 1936, November 11, 1936, November 18, 1936, and November 25, 1936.

J. M. Langhorne,
Vice-President.

Sworn to and subscribed before me this the 27 day of November, 1936.

W. P. Nicholson,
Notary Public, Madison County, Alabama.

(Seal)

By Mr. Richardson:

S. 40. To amend Section 15 of an Act entitled an Act "To establish in Precinct One in Madison County, Alabama, an Inferior Court in lieu of all Justices of the Peace and Notaries Public with the powers of a Justice of the Peace in the said Precinct, to be known as the Inferior Court of Huntsville, to define the jurisdiction and powers of said Court and the Judge thereof." Approved April 4, 1911, as amended by an Act of the Legislature approved March 2, 1931.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that at the next special session of the present Legislature of the State of Alabama that a bill will be introduced which is in substance as follows:

A BILL TO BE ENTITLED

An Act to amend Section 15 of an Act entitled an Act "To establish in Precinct One in Madison County, Alabama, an Inferior Court in lieu of all Justices of the Peace and Notaries Public with the powers of a Justice of the Peace in the said Precinct, to be known as the Inferior Court of Huntsville, to define the jurisdiction and powers of said Court and the Judge thereof." Approved April 4, 1911, as amended by an Act of the Legislature approved March 2, 1931.

Be it enacted by the Legislature of Alabama:

Section One: That Section 15 of an Act entitled "An Act to establish in Precinct One in Madison County, Alabama, an Inferior Court in lieu of all Justices of the Peace and Notaries Public with the powers of a Justice of the Peace in the said Precinct, to be known as the Inferior Court of Huntsville, to define its jurisdiction and powers to said Court and the Judge thereof," Approved April 4, 1911, as amended by an Act of the Legislature approved March 2, 1931, be and the same is hereby amended so as to read as follows: Section 15. The Judge of said Court shall receive a salary of Eighteen Hundred (\$1800.00) Dollars per annum, payable monthly upon warrant drawn upon the County Treasury of Madison County by the Chairman of the Board of County Commissioners of said County. The Clerk shall receive as compensation not more than Seventy-five (\$75.00) Dollars per month out of the County Treasury of Madison County on certificate issued to the Clerk by the Judge of said Court once each month and presented to the Chairman of the Board of County Commissioners of said County who shall thereupon issue a warrant in favor of said Clerk upon the County Treasury of said County therefor.

Section Two: All laws or parts of laws in conflict with this Act are hereby expressly repealed.

Section Three: This Act shall take effect immediately upon its passage and approval by the Governor.

STATE OF ALABAMA }
MADISON COUNTY }

Before me, W. P. Nicholson, a notary public in and for said state and county, personally appeared J. M. Laghorne, known to me, who being by me first duly sworn, deposes and says he is Vice-President of The Huntsville Times Co., that it is a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached notice of a bill to be entitled to establish in Precinct one in Madison County, Alabama, an Inferior Court in lieu of all Justices of the Peace and Notaries Public with the powers of a Justice of the Peace in the said Precinct, to be known as the Inferior Court of Huntsville, was published in the legal editions of the said newspaper for November 13, 1936, November 20, 1936, November 27, 1936 and December 4, 1936.

J. M. Laghorne,
Vice-President.

Sworn to and subscribed before me this the 4 day of December, 1936.

W. P. Nicholson,
Notary Public, Madison County, Alabama

By Mr. Riddle:

S. 41. To authorize the County of Talladega, in the State of Alabama, to acquire by purchase or otherwise, maintain and operate a hospital and home for aged and infirm persons, and make expenditures for the acquisition, maintenance and operation of same and to validate expenditures already made in connection with same.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that the following act will be introduced and passed at the next special session of the Legislature of Alabama:

AN ACT

To authorize the County of Talladega, in the State of Alabama, to acquire by purchase or otherwise, maintain and operate a hospital and home for aged and infirm persons, and make expenditures for the acquisition, maintenance and operation of same and to validate expenditures already made in connection with same.

Be it enacted by the Legislature of Alabama as follows:

Section I. That the County of Talladega, in the State of Alabama, shall have authority to acquire, maintain and operate a hospital and home for aged and infirm persons, and that the court of county commissioners of said county be, and they are hereby invested with the power and authority to acquire, operate and maintain such hospital and home for aged and infirm persons in the name of said county.

Section II. The court of commissioners of said County of Talladega shall have authority to expend such funds as they may deem necessary for so acquiring, operating and maintaining said hospital and home, such expenditures to be made from any county funds except such funds as are

by the general laws of the state expressly appropriated to other purposes. The said court of county commissioners shall have power and authority to make all regulations and charges which they deem necessary and proper in the operation of said hospital and home.

Section III. All acts of said court of county commissioners heretofore done in the acquiring, maintaining and operating of said home and hospital shall be valid.

Section IV. Every section of this act and every part of each section are hereby declared to be independent sections and parts of sections, and the holding of any section or part there-tutional for any cause, shall not effect of to be void, ineffective or unconsti- the other sections or parts thereof.

Section V. That all laws or parts of laws insofar as they are in conflict with this act, be, and they are hereby expressly repealed.

Section VI. This act shall become effective upon its passage and approval by the Governor.

THE STATE OF ALABAMA TALLADEGA COUNTY

Personally appeared before me, a Notary Public in and for said County, Tom R. Williams, who being duly sworn according to law, deposes and says that he is the Manager of the Talladega Daily Home, a newspaper published in said County, and that the publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper for 4 weeks consecutively, to-wit, in the issues hereof dated as follows: November 10, 1936, November 17, 1936, November 24, 1936, December 1, 1936.

Subscribed and sworn to before me this day of December 5, 1936, Otis R. Bunton, Notary Public.

Tom R. Williams.
Printers Fee, \$21.35.

By Mr. Taylor:

S. 42. To prohibit owners or managers of cattle or livestock to permit such cattle or livestock to run at large upon the highways of this State, to fix the liability of owners or managers of cattle or livestock running at large, to provide for proceedings for the enforcement of such liability, for the impoundment of cattle or livestock running at large upon the highways of this State, to fix a penalty for the violation of said provisions, and to repeal all laws in conflict with this Act.

Committee on Public Roads and Highways.

REPORTS OF COMMITTEES

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Rogers:

S. 31. To fix the amount of the salary or compensation of the County Treasurer in any Counties of the State, having a popula-

tion of not less than one hundred and ten thousand and not more than two hundred thousand, according to the last, or to any succeeding Federal Census; to provide the manner and method of its payment, and to repeal all laws, general, special, or local, in conflict with the provisions of this Act.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama,
Montgomery, Alabama.
Gentlemen:

I herewith transmit message from the Governor relative to the appointment of Honorable Robert Knox Greene as member of the Board of Trustees of the Alabama Polytechnic Institute for the unexpired term of the late Senator John A. Rogers.

Respectfully submitted,
PITT TYSON MANER,
Secretary to the Governor.

December 8, 1936.

To the Senate of Alabama,
Montgomery, Alabama.
Gentlemen:

I am submitting to you for your action the following nomination to fill a vacancy on the Board of Trustees of the Alabama Polytechnic Institute, from the Sixth Congressional District for the term ending January, 1947 the Honorable Robert Knox Greene of Greensboro, Alabama vice the late Senator John A. Rogers of Gainesville, Alabama.

Respectfully,
BIBB GRAVES,
Governor.

December 8, 1936.

GOVERNOR'S MESSAGE

On motion of Mr. Mooneyham, the Senate confirmed the appointment of His Excellency, the Governor, of Honorable Robert Knox Greene, of Greensboro, Alabama, to fill a vacancy on the Board of Trustees of the Alabama Polytechnic Institute, from the Sixth Congressional District for the term ending January, 1947, created because of the death of Senator John A. Rogers, of Gainesville, Alabama.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Bonner	Mooneyham	Rogers	Thomas
Browder	McConnell	Russell	Tucker
Carlton	McDowell	Starnes	Walton
Chesnut	Parrish	Stoddard	Weaver
Cook	Richardson	Swift	Wellborn
Mixon	Riddle	Taylor	

Nays:—None.

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RECESS

At 12:30 P. M., on motion of Mr. Riddle, the Senate took a recess until four o'clock this afternoon.

AFTERNOON SESSION—FIFTH DAY

Tuesday, December 8th, 1936.

The Senate re-assembled at 4 P. M., Lieutenant-Governor Knight presiding.

ROLL CALL

Present:

Messrs.:

Bonner	Locke	Rogers	Taylor
Browder	Mixon	Russell	Thomas
Carlton	Mooneyham	St. John	Tucker
Chesnut	McConnell	Starnes	Walton
Cook	McDowell	Stephens	Weaver
Dorsey	Parrish	Stoddard	Wellborn
Frazer	Richardson	Swift	Woodall
Kelly	Riddle		

—30

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Richardson:

S. 43. To amend Section 2 of an Act of the Legislature approved July 10, 1935, entitled "An Act to provide for the general revenue of the State of Alabama," Acts 1935, page 256.

Committee on Privileges & Elections.

REPORTS OF COMMITTEES

Mr. Woodall, Chairman of the Standing Committee on Privileges and Elections, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Carlton:

S. 35: To repeal sections 405, 406, 407, 408, 409, 410, 411 and 412 of the Code of Alabama of 1923, and repeal an act entitled "An act to further regulate the voting of absentee ballots in the State of Alabama; to prohibit the Judges of Probate and other officers from handling absentee ballots in elections where such officers are candidates; to provide for and require elections officers for handling and tabulating absentee ballots; to provide for the

punishment of violations; and to repeal such parts of present laws as are in conflict herewith," approved April 19, 1933.

By Mr. Bonner:

S. 26. To prohibit making of false written campaign statements, promises or pledges by any candidate for any office in Alabama, either State, County or municipal, and to provide punishments therefor.

RESOLUTION

The Rules Committee reported the following joint resolution:

S. J. R. 12. BE IT RESOLVED BY THE SENATE, the House concurring, that when the two houses adjourn today, they adjourn to meet again on Wednesday, December 9, 1936, at 10 o'clock A. M.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate joint resolution:

By Rules Committee:

S. J. R. 12. Relative to the two Houses adjourning today to meet again Wednesday, December 9th, at 10:00 A. M.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the fifth Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the fifth Legislative day approved by the Senate.

ADJOURNMENT

At 4:30 P. M., on motion of Mr. Mooneyham and pursuant to Joint Resolution heretofore adopted, the Senate adjourned until Wednesday, December 9th, 1936, at 10 A. M.

 SIXTH DAY

Wednesday, December 9th, 1936

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The Session was opened with prayer by Senator Chesnut of Cherokee County.

ROLL CALL

Present:

Messrs.:	Locke	Riddle	Taylor
Bonner	Mixon	Rogers	Thomas
Browder	Mooneyham	Russell	Tucker
Carlton	McConnell	St. John	Walton
Chesnut	McDowell	Starnes	Weaver
Dorsey	Farrish	Stephens	Wellborn
Frazer	Richardson	Swift	Woodall
Kelly			

—28

JOURNAL

On motion of Mr. Starnes the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Browder:

S. 44. To amend Section 2171 of the Code of Alabama, 1923; to repeal all laws in conflict herewith, and provide when this Act shall become effective.

Committee on Municipalities.

By Mr. Browder:

S. 45. To provide for and regulate the issuance and dissolution of an injunction for failure to pay in full as due all municipal privileged license or excise tax and to provide remedies for collecting the same; to provide for an appeal; to make this remedy cumulative; and to provide when this act shall become effective.

Committee on Municipalities.

By Mr. Browder:

S. 46. To amend Section 6 of an Act, approved July 10, 1931, appearing on page 436 of the 1931 Acts of the Legislature "To amend an act entitled 'An act to amend sections 1754, 1757, 1760 and 1894 of the Code of Alabama, 1923' Approved September 9, 1927."

Committee on Municipalities.

By Mr. Woodall:

S. 47. To regulate and provide for school financing, school warrants and school tax elections and to safeguard the credit of county and city boards of education by authorizing county boards of education to issue warrants for the purpose of funding certain valid indebtedness, by validating, ratifying, approving and confirming certain warrants heretofore issued by any county or city board of education, by authorizing the issuance of warrants to refund certain of said warrants, and by validating, ratifying, approving and confirming certain school tax elections and to repeal conflicting laws.

Committee on Education.

By Mr. Simpson:

S. 48. To create in each city of the State of Alabama having a population of one hundred thousand or more according to the last or any subsequent Federal census a Pension and Relief Fund for all employees of such city governed under civil service rules and regulations and for certain other officers and employees of such city who may elect to come under the provisions of this act, and for the widows of such officers and employees, to provide for a custodian of said Fund and to provide for the investment, protec-

tion, management and distribution of said Fund by a Board of Managers.

Committee on Local Legislation.

By Mr. Swift:

S. 49. To amend Schedule 156.9, Chapter IV, Article XIII, General Revenue Act of 1935, Approved July 10, 1935.

Committee on Public Roads & Highways.

By Mr. Chesnut:

S. 50. To amend Section 1 of an Act approved April 21, 1936, entitled, "An Act to amend Section 51, of an Act approved August 23, 1927, entitled: An Act to provide a general system of legislation pertaining to public roads, highways and bridges, including therein the establishment of a State Highway Department and State Highway Commission; to create the office of Alabama Highway Director in Alabama; to define and regulate the powers, duties and authority of the State Highway Commission and of local authorities, boards of revenue, courts of county Commissioners, municipalities or like governing bodies; to provide authority and empower the Board of Administration to make agreements and contracts with the State Highway Commission for convict labor and let contracts for signs, advertising, etc., on highways; to define and provide rules of the road, including traffic regulations, penal violations, duties of owners and drivers and the regulation as to size, weight and equipment of motor vehicles moving over, along, or upon such roads; to provide for the establishment, discontinuance, working and maintenance of public roads, bridges and ferries; to provide for the establishment and maintenance of private roads; to provide for State Bonds for construction and maintenance of roads, issue and sale of; Good Roads Day established; Offenses concerning toll bridges, turnpikes and causeways; protecting bridges for floating logs and to provide against injury to mill dams, bridges, canals and road gates; to provide for working of public roads, persons liable and persons exempt from road duty; to provide for railroad tracks, bridges, viaducts and tunnels; and the repeal of all laws and parts of laws in conflict with the provisions of this Act, except such laws pertaining to revenue."

Committee on Public Roads & Highways.

By Mr. Chesnut (by request):

S. 51. "To Amend Section 7020 of the Code of Alabama."

Committee on Revision of Laws.

REPORTS OF COMMITTEES

Mr. Russell, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted

on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Swift (with amendment):

S. 38. To provide for the refunding of outstanding school warrants by county boards of education and to validate certain outstanding school warrants heretofore issued by such boards.

By Messrs. Thomas and Simpson:

S. 30. To provide for the payment to the Sheriffs of the several Counties of the State out of the State Treasury certain fees for service in the feeding of prisoners, and to repeal an Act of the Legislature approved July 10, 1935, entitled "An Act to provide for payment to the Sheriffs of the several Counties of the State for service in preparing food of prisoners, serving food of prisoners and other services incident to the feeding of prisoners, not including the food to be served to prisoners, and to specifically repeal Section 4828 of the Code of Alabama of 1923." (General Acts 1935, page 595).

BILLS ON THIRD READING

The bill:

S. 14. To amend Section 5 of an Act entitled, "An Act in relation to the educational system of Alabama; to make annual appropriations and provide funds for the support, maintenance and development of public education in Alabama, for the fiscal years ending September 30, 1936, 1937, 1938, and 1939, including all schools, agencies, services and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, the Alabama School of Trades & Industries, the Alabama College, the Alabama Polytechnic Institute and the University of Alabama, (Approved September 2, 1935)".

Was taken up.

Mr. Browder offered the following substitute, to-wit:

A BILL

To be entitled an act to amend Section 5 of an Act entitled, "An Act in relation to the educational system of Alabama; to make annual appropriations and provide funds for the support, maintenance and development of public education in Alabama, for the fiscal years ending September 30, 1936, 1937, 1938 and 1939, including all school, agencies, services and institutions under the

general or direct control or subject to the rules and regulations of the State Board of Education, the Alabama School of Trades & Industries, the Alabama College, the Alabama Polytechnic Institute and the University of Alabama, (Approved September 2, 1935)"

Be it enacted by the Legislature of Alabama:

Section 1. That Section 5 of an Act entitled, "An Act in relation to the educational system of Alabama; to make annual appropriations and provide funds for the support, maintenance and development of public education in Alabama, for the fiscal years ending September 30, 1936, 1937, 1938 and 1939, including all schools, agencies, services and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, the Alabama School of Trades & Industries, the Alabama College, the Alabama Polytechnic Institute and the University of Alabama. (Approved September 2, 1935)", be and the same is hereby amended so as to read as follows:

"Section 5. That the appropriations herein made are payable from and after January 1, 1937 out of the Alabama Special Educational Trust Fund, subject to the terms, conditions, provisions, and limitations of the Budget and Financial Control Act, and the General Fund shall be relieved from and after January 1, 1937 from any payment of said appropriations therein contained; provided however that not more than said sums so appropriated respectively shall be paid in the aggregate respectively to those respectively entitled to receive the same from said General Fund and said Alabama Special Educational Trust Fund for the fiscal year beginning October 1, 1936."

Section 2. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby expressly repealed.

Which was adopted.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:

Bonner
Browder
Carlton
Chesnut
Dorsey
Kelly
Locke

Mixon
Mooneyham
McConnell
McDowell
Parrish
Richardson

Rogers
Russell
Starnes
Stephens
Swift
Taylor

Thomas
Tucker
Walton
Weaver
Wellborn
Woodall

—25

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Mixon	Rogers	Thomas
Browder	Mooneyham	Russell	Tucker
Carlton	McConnell	St. John	Walton
Chesnut	McDowell	Starnes	Weaver
Dorsey	Parrish	Stephens	Wellborn
Kelly	Richardson	Swift	Woodall
Locke	Riddle	Taylor	

—27

Nays:—None.

The bill:

S. 31. To fix the amount of the salary or compensation of the County Treasurer in any Counties of the State, having a population of not less than one hundred and ten thousand and not more than two hundred thousand, according to the last, or to any succeeding Federal Census; to provide the manner and method of its payment, and to repeal all laws, general, special, or local, in conflict with the provisions of this Act.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Rogers	Thomas
Browder	Mixon	Russell	Tucker
Carlton	Mooneyham	St. John	Walton
Chesnut	McConnell	Starnes	Weaver
Dorsey	McDowell	Stephens	Wellborn
Frazer	Richardson	Swift	Woodall
Kelly	Riddle	Taylor	

—27

Nays:—None.

The bill:

S. 26. To prohibit making of false written campaign statements, promises or pledges by any candidate for any office in Alabama, either State, County or municipal, and to provide punishments therefor.

Was taken up.

Mr. Browder moved to postpone further consideration of said bill until the 8th Legislative Day.

Mr. Bonner moved to table the motion of Mr. Browder to postpone said bill until the 8th Legislative Day, which motion prevailed and the motion of Mr. Browder was tabled.

Yeas, 22; Nays, 4.

*Yeas:**Messrs.:*

Bonner	Mixon	Russell	Thomas
Carlton	Mooneyham	St. John	Tucker
Dorsey	McConnell	Starnes	Walton
Frazer	McDowell	Swift	Weaver
Kelly	Richardson	Taylor	Woodall
Locke	Rogers		

—22

Nays: Messrs.: Browder, Chesnut, Parrish and Stephens

— 4

PAIR ANNOUNCED

Mr. Wellborn announced that he and Mr. Walden were paired on this vote; that Mr. Walden, if present, would vote "aye", and he, Mr. Wellborn, would vote "no."

And said bill was then read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 21; Nays, 5.

*Yeas:**Messrs.:*

Bonner	Mooneyham	Rogers	Taylor
Browder	McConnell	Russell	Tucker
Dorsey	McDowell	St. John	Walton
Frazer	Richardson	Starnes	Weaver
Locke	Riddle	Swift	Woodall
Mixon			

—21

Nays: Messrs. Chesnut, Kelly, Parrish, Stephens and Thomas

— 5

PAIR ANNOUNCED

Mr. Carlton announced that he and Mr. Simpson were paired on this vote; that Mr. Simpson, if present, would vote "aye", and he, Mr. Carlton, would vote "no."

Mr. Wellborn announced that he and Mr. Walden were paired on this vote; that Mr. Walden, if present, would vote "aye," and he, Mr. Wellborn, would vote "no."

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Ellis: .

H. 30. To amend an Act entitled, "An Act to provide for the General Revenue of the State of Alabama, Approved July 10, 1935". by adding Schedule 155.4A and Schedule 155.4B to Section 348 of said Act.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing message from the House was read one time at length and referred to appropriate standing committee as follows:

H. 30—To the Committee on Education.

Mr. Tucker moved that the President of the Senate refer said bill, H. 30, to the Committee on Finance and Taxation.

Mr. Kelly moved to table the motion of Mr. Tucker to re-refer said bill, which motion prevailed and the motion of Mr. Tucker was tabled.

Yeas, 16; Nays, 9.

Yeas:

Messrs.:

Bonner
Browder
Carlton
Chesnut

Kelly
Mixon
Parrish
Richardson

Riddle
St. John
Starnes
Stephens

Taylor
Thomas
Weaver
Woodall

—16

Nays:

Messrs.:

Dorsey
Frazer
Locke

McConnell
McDowell

Russell
Swift

Tucker
Wellborn

— 9

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Davis:

H. 79. To make an appropriation of two hundred and fifty thousand dollars or so much thereof as may be necessary out of any funds in the state treasury not otherwise appropriated to defray the expenses of the present session of the Legislature.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing Message from the House was read one time at length and referred to appropriate standing committee as follows:

H. 79. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. McDermott:

H. 28. To amend Section 17 of an act entitled "An Act to establish Jury Boards in the several counties of this State, to fix the membership of said Boards, to prescribe the qualifications and terms of office and provide for the appointment of the members thereof; to fix their compensation and to define their duties; to provide for the appointment, duties and compensation of clerks of said Boards, for the qualifications of jurors, for the preparation of jury rolls and the emptying, filling and refilling of jury boxes; and to provide for the payment of the necessary expenses of the Boards", approved February 20, 1931.

Also:

By Mr. Hendley:

H. 14. To define, regulate and license barbers and barber colleges, and other like businesses in Covington County, State of Alabama; and create a Barbers' Commission for said county; and to provide a penalty for the violation of the provisions hereof, and to fix the powers and duties of said Commission.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

There will be introduced at the next session of the legislature of Alabama, a bill to define, regulate and license barbers and barber colleges, and other like businesses in Covington County, State of Alabama; and to create a Barber's Commission for said county; and to provide a penalty for the violation of the provisions thereof and to fix the powers and duties of said commission.

Sept. 10-17-24-Oct. 1.

JOE JONES.

The Covington News
Andalusia, Alabama

STATE OF ALABAMA, }
COVINGTON COUNTY. }

Before me, J. D. Searcy, a notary public in and for said state, personally appeared Joe Jones, known to me to be the publisher of The Covington News, a newspaper published in Andalusia, Covington County, Alabama, who first being sworn, deposes and says that the attached notice was published in said newspaper for four consecutive issues, being the issues of Sept. 10th, 17th, 24th, and Oct. 1st, 1936.

JOE JONES.

Sworn to and subscribed before me this 1st, day of October, 1936.

J. D. SEARCY,
Notary Public.

(Seal)

Also:

By Mr. Taylor:

H. 76. To amend Section One (1) of "An Act to reduce and fix the compensation of the Judge of the Inferior Criminal Court in Mobile County and to fix the time when said act shall go into effect."

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that application will be made at the next special session of the Legislature for the passage of an act in substance as follows:

An act entitled an Act to Amend Section One of an Act to reduce and fix the compensation of the Judge of the Inferior Criminal Court in Mobile County and to fix the time when said act shall go into effect.

Be it enacted by the Legislature of Alabama:

That Section One of an Act entitled an act to fix and reduce the compensation of the Judge of the Inferior Criminal Court in Mobile County and to fix the time when said act shall go into effect be amended so as to read as follows:

Section One. That the compensation of the Judge of the Inferior Criminal Court of Mobile County is fixed at \$4,500.00 per annum, payable in monthly installments out of the Treasury of Mobile County.

All laws in conflict herewith are hereby expressly repealed.

This act shall go into effect upon its passage and approval by the governor.
Nov. 6-13-20-27, 1936.

Wm. M. Curran, being sworn, says that he is Auditor of The Mobile Press and The Mobile Register; daily newspapers printed and published in the city and county of Mobile, state of Alabama; and that the attached notice appeared in the issues of The Mobile Press November 6, 13, 20, 27, 1936.

Wm. M. Curran.

Sworn to and subscribed before me this 30th day of November, 1936.

(Seal) Carl M. Smith,
Notary Public.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read one time at length and referred to appropriate Standing Committees as follows:

H. 28. To the Committee on Judiciary.

H. 14 and H. 76. To the Committee on Local Legislation.

RECESS

At 12:40 P. M., on motion of Mr. Riddle, the Senate took a recess until 4 o'clock this afternoon.

AFTERNOON SESSION—SIXTH DAY

Wednesday Afternoon, December 9th, 1936.

The Senate re-assembled at 4 o'clock P. M., Lieutenant-Governor Knight presiding.

ROLL CALL

Present:

Messrs.:			
Bonner	Mixon	Rogers	Taylor
Browder	Mooneyham	Russell	Thomas
Carlton	McConnell	St. John	Tucker
Chesnut	McDowell	Simpson	Walton
Dorsey	Parrish	Starnes	Weaver
Frazer	Richardson	Stephens	Wellborn
Kelly	Riddle	Swift	Woodall
Locke			

—28

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. St. John:

S. 52. To amend an Act approved November 9, 1932, as found on pages 302 and 303 of the Acts of the Legislature of Alabama, extra Session 1932, entitled An Act "To amend An Act entitled An Act to amend Section 56 of An Act (No. 56) enacted by the Legislature of Alabama, approved February 25, 1932, to provide for and regulate and control Primary Elections for the nomination

by Political Parties of candidates for public office within the State of Alabama, as found on page 755 of the Acts of the Legislature of Alabama of 1931."

Committee on Privileges & Elections.

By Mr. Simpson:

S. 53. To amend Section 2 of an Act approved April 10th, 1936 entitled "An Act to amend Schedule 158 of Chapter 6, Article 13 of 'An Act to provide for the General Revenue of the State of Alabama', approved July 10, 1935."

Committee on Finance & Taxation.

By Mr. Simpson:

S. 54. To provide for State registration of Medical Technologists.

Committee on Revision of Laws.

By Mr. Simpson:

S. 55. To amend Section 2220 of the Code of Alabama of 1923.

Committee on Revision of Laws.

By Mr. Simpson:

S. 56. To amend Section 7 of Act No. 102, Extra Session of the Legislature of Alabama of 1933, approved March 29, 1933 (Acts of 1933, page 88).

Committee on Revision of Laws.

By Mr. Carlton:

S. 57. To amend Section 6771 of the Code of Alabama of 1923, as amended by act approved July 31, 1931, (Acts 1931, page 805).

Committee on Finance & Taxation.

REPORTS OF COMMITTEES

Mr. Frazer, Chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Simpson:

S. 24. To amend Sections 1, 2, 5 and 6 of an Act entitled "An Act to Promote the Objects of the National Housing Act by authorizing banks, savings banks, trust companies, insurance companies and building and loan associations to make loans pursuant to Titles I and II of the National Housing Act, and by authorizing banks, savings banks, trust companies, insurance companies, building and loan associations, to invest in mortgages insured, and in

debentures issued, by the Federal Housing Administrator, and to invest in securities of National Mortgage Associations," approved January 31, 1935, as amended by an Act approved August 15, 1935, and as further amended by an Act approved April 15, 1936, for clarification purposes.

By Mr. Mixon (with amendment):

S. 27. To provide a fee to be paid the sheriff or other person who furnishes the evidence in all cases of a conviction for a violation of any provision of Chapter 142 of the Criminal Code of Alabama of 1923, and to provide the manner of payment.

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Richardson:

S. 39. To abolish the office of County Treasurer of Madison County, Alabama; to authorize the Board of County Commissioners for said county to name a bank or banks of said county as county depository or depositories; to provide for the selection of such depository or depositories, and the security furnished by them, and their duties and compensation.

By Mr. Richardson:

S. 40. To amend Section 15 of an Act entitled an Act "To establish in Precinct One in Madison County, Alabama, an Inferior Court in lieu of all Justices of the Peace and Notaries Public with the powers of a Justice of the Peace in the said Precinct, to be known as the Inferior Court of Huntsville, to define the jurisdiction and powers of said Court and the Judge thereof." Approved April 4, 1911, as amended by an Act of the Legislature approved March 2, 1931.

By Mr. Riddle:

S. 41. To authorize the County of Talladega, in the State of Alabama, to acquire by purchase or otherwise, maintain and operate a hospital and home for aged and infirm persons, and make expenditures for the acquisition, maintenance and operation of same and to validate expenditures already made in connection with same.

Mr. Mixon, Acting Chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Mooneyham:

S. 15. To repeal Article 10 of the Code of Laws for the State of Alabama prepared in accordance with the provision of the Acts approved February 18, 1927 (H. 273 Goode) as amended by act approved January 31, 1935, known as H. 61, Harrison, and which pertains to the Agriculture and Industries and relating to subjects which are administered by, concern or relate to the duties of the Commissioner of Agriculture and approved for the indexing, publication, sale and distribution of said Code, which is to be known as the Agricultural Code of Alabama, and which Act became effective by a proclamation by the Governor on Oct. 1, 1927.

Mr. Walton, Chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Taylor (with substitute):

S. 42. To prohibit owners or managers of cattle or livestock to permit such cattle or livestock to run at large upon the highways of this State, to fix the liability of owners or managers of cattle or livestock running at large, to provide for proceedings for the enforcement of such liability, for the impoundment of cattle or livestock running at large upon the highways of this State, to fix a penalty for the violation of said provisions, and to repeal all laws in conflict with this Act.

Mr. Woodall, Chairman of the Standing Committee on Privileges & Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Richardson:

S. 43. To amend Section 2 of an Act of the Legislature approved July 10, 1935, entitled "An Act to provide for the general revenue of the State of Alabama," Acts 1935, page 256.

PROTEST

Mr. President:

With reference to the assignment of H. B. 30 by you to the Senate Committee on Education, in accordance with my Constitutional right under Section 55 of the Constitution of Alabama, I herewith register my dissent from and protest in writing against your action on the ground that the referring of said bill, H. B. 30,

to the Committee on Education is a violation of Senate Rule No. 24, which reads as follows:

SENATE RULE NO. 24

All bills carrying appropriations whether previously referred to another committee, shall be referred to the Committee on Finance and Taxation and reported therefrom."

The referring of said bill, H. B. 30, to the Committee on Education is violative, not only of the rule just quoted, but of other rules of the Senate.

Section 6 of H. B. 30 appropriates the monies derived therefrom to the Alabama Special Educational Trust Fund, and thereby carries an appropriation within the scope and meaning of Senate Rule No. 24.

In accordance with Section 55 of the Constitution of Alabama I hereby request that this dissent and protest in writing be entered upon the Journal of the Senate of Alabama for this the 6th Legislative Day of this Second Special Session of the Legislature of Alabama on December 9th, 1936.

Respectfully submitted,

G. R. Swift, Senator,

Twenty-First Senatorial District.

The foregoing protest was read and ordered spread upon the Journal.

RESOLUTION

The Rules Committee reported the following joint resolution:

S. J. R. 13. BE IT RESOLVED BY THE SENATE, the House concurring that when the two houses adjourn today, they adjourn to meet again on Tuesday, December 15, 1936, at 11 o'clock A. M. BE IT FURTHER RESOLVED that no mileage shall be allowed to any member during such Period.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution:

By Rules Committee:

S. J. R. 13. Relative to the two Houses adjourning today to meet again Tuesday, December 15, 1936, at 11 o'clock.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Sixth Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the Sixth Legislative day approved by the Senate.

ADJOURNMENT

At 5:15 P. M., on motion of Mr. Kelly, and in pursuance with Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, December 15, 1936, at 11 A. M.

SEVENTH DAY

Tuesday, December 15th, 1936.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The session was opened with prayer by H. G. Earnest, Door-keeper of the Senate.

ROLL CALL

Present:

Messrs.:

Bonner
Browder
Carlton
Chesnut
Cook
Dorsey
Frazer
Goldsmith
Kelly

Kuykendall
Locke
Mixon
Mooneyham
McConnell
McDowell
Parrish
Richardson

Riddle
Rogers
Russell
St. John
Simpson
Starnes
Stephens
Stoddard

Swift
Taylor
Thomas
Tucker
Walton
Weaver
Wellborn
Woodall

—33

JOURNAL

On motion of Mr. Stoddard the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Wellborn:

S. 58. To provide a fund for the support of a law library for the Circuit Court of Calhoun County, Alabama, without appropriation from the State or County Treasury by the assessment and collection of court cost in all suits, actions and proceedings hereafter filed or brought to said court, and provide for the regulation and control of said fund.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

NOTICE IS HEREBY GIVEN THAT THE LEGISLATURE OF ALABAMA WILL BE REQUESTED TO ENACT THE FOLLOWING MEASURE:

A BILL TO BE ENTITLED AN ACT:

To provide a fund for the support of a law library for the Circuit Court of Calhoun County, Alabama, without appropriation from the state or county treasury by the assessment and collection of court cost in all suits, actions and proceedings hereafter filed or brought to said court and provide for the regulation and control of said fund.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA AS FOLLOWS:

Section 1: That in all civil, quasi civil, criminal, quasi criminal, and equity actions, suits, causes and proceedings hereafter filed or brought by bill or certiorari or otherwise in or to the Circuit Court of Calhoun County, Alabama, there shall be taxed as cost the sum of \$1.00 in each and every such action, cause, suit and proceeding, to be collected as other costs are collected, and to be paid to the clerk of the said Circuit Court of Calhoun County, Alabama; provided that in suits, actions, causes and proceedings in which the amount of any money, judgment or decree is rendered for \$500.00 or more, or involving property valued at \$500.00 or more, there shall be taxed the sum of \$2.00 each in such causes, actions and proceedings; and provided further that no additional sum shall be taxed or collected in any ancillary proceedings resulting from prior proceedings in said court in which a tax has been paid.

Section 2: That all costs collected and received by the Clerk of the said Circuit Court as provided in section one hereof, shall be held by the Clerk of the said Court in a separate fund, and shall be disbursed by him upon order of the said Court on recommendation of the Calhoun County Bar Association exclusively for purchase of law books and library equipment. Nov. 19, 26, Dec. 3, 10.

STATE OF ALABAMA,
COUNTY OF CALHOUN

Before me, Clara B. Wright, Notary Public in and for said state and county, personally appeared Harry M. Ayers, Publisher of The Anniston Star, a daily newspaper published in Anniston in said state and county, who, being duly sworn, deposes and says that attached notice regarding the establishment of a law library for the Circuit Court of Calhoun County, Alabama, was published in The Anniston Star on November 19 and 26 and December 3 and 10, 1936.

HARRY M. AYERS.

Sworn to and subscribed before me this eleventh day of December, 1936.

CLARA B. WRIGHT,
Notary Public.

(Seal)

By Mr. Wellborn:

S. 59. To authorize all banks incorporated under the laws of this State to become instrumentalities and agencies of the State of Alabama, and to require of such banks certain services for the State of Alabama.

Committee on Banking.

By Mr. Walton:

S. 60. To amend an Act approved September 9, 1935, and entitled, "An Act to better secure the administration of the financial affairs of the Counties of Alabama, and for that purpose and to that end to vest in County Boards of Revenue, County Commissioners, and other like governing bodies by whatever name known, more efficient power and control over all public funds that may now or hereafter be under their management and control; to limit their power and authority to approve and pay claims for current operating expenses in any fiscal year to the income of the county available for such purposes; to prescribe the fiscal year for the purposes of this Act; to provide for the registration of all outstanding general obligations; to more effectively provide for the preparation and adoption of annual budgets; to provide that no warrants or orders for money shall be issued under the authority of such boards until the cash is available for their payments to provide for a record of the financial status of counties; to provide that temporary loans made under the general laws of the State of Alabama for the purpose of enabling counties to meet their current obligations shall not exceed 95% of such temporary loans made the preceding year, except for the purpose of meeting emergencies and to provide that in making up a budget the amount borrowed on such temporary loan to be made during each fiscal year shall be included as a part of the operating revenue of the county for such year, and the amount of such temporary loan, principal and interest, payable in each fiscal year shall constitute a part of the operating expenses to be included in the budget of the county for the fiscal year in which such loans are payable, and shall be paid out of the funds pledged therefor; to provide that this Act shall be effective on and after the first day of October, 1935; and to repeal all laws except local laws, in conflict with the Act. Provided, the Act shall not apply to counties having more than 95,000 population.

Committee on Finance & Taxation.

By Mr. Dorsey:

S. 61. To provide for the payment of the part of the educational appropriations to the public schools, to the institutions of higher learning, and to the educational services and agencies under the control of the State Board of Education for the year 1935-36, which part was unpaid due to proration under the State Budget Act.

Committee on Education.

By Mr. Rogers:

S. 62. To amend Section 7 of Act entitled, "An Act creating and establishing Juvenile Courts in all counties in the State of Ala-

bama now having or which shall hereafter have a population according to the last federal census of not less than 95,000 and not more than 175,000, defining their powers and jurisdictions and providing for the process and procedure of said courts; for the equipment of said courts, for the Judge and officers of the courts; their term of office and their salaries, and defining their duties and the payment by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties of all premiums that may accrue on account of the bond of the Clerk thereof; for the transportation of Probation Officers, for the service of process, including warrants and the fees thereof and the payment of said fees; for the detention of juvenile delinquents and dependents and neglected children, providing for a commission to aid in carrying out the work of the courts and prescribing its duties, and providing for appeals from any order or judgment of said courts; making it an offense for any person knowingly and willfully to encourage, aid abet, cause a state of delinquency or dependency of any child under sixteen years of age, or produce, promote or contribute to the conditions which render any child delinquent or dependent and providing punishment therefor; providing for the transfer of certain cases to said Juvenile Courts; providing for the apprehension of such children and persons and the commitment of children to any family association or institution; for the transportation of such children and the payment of cost by said counties; providing for the commitment of Juvenile delinquents and dependents to any family, association or institution within the State to which they may be respectively committed and providing for the payment of the cost thereof by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties, providing for the payment by the cities or towns in which said courts are established of one-half of the expenses arising out of the operation of said Courts, and for the protection of said children against disqualification or prejudice in other courts in the Civil Service of the State or municipality on account of any judgment or order of said court or any confession, statement, declaration or admission or silence or demeanor of said juveniles and provide for the repeal of certain laws," approved September 9, 1927, as amended by an Act approved April 21, 1931, so as among other things, to make the Act applicable to all counties in the State of Alabama, then having or which should thereafter have a population according to the last Federal census of not less than 100,000 nor more than 175,000, and as further amended by an Act approved April 17, 1933, and as further amended by Act approved September 13, 1935.

Committee on Local Legislation.

By Mr. Woodall:

S. 63. To propose an amendment to the Constitution of Alabama to be known as Article——, prohibiting the State, the several counties and municipalities and other political subdivisions and instrumentalities thereof from using or expending funds derived from taxes and licenses on gasoline, other liquid motor fuels or substitutes therefor, automobiles, trucks, busses and other motor vehicles, excepting revenues derived from drivers' license fees and motor vehicle ad valorem taxes, including any tax or license based upon any gallonage or other amount or quantity levied upon any distributor, wholesaler, refiner, broker, retail dealer, seller, receiver or storer of gasoline, other liquid motor fuels or substitutes therefor whether such distributor, wholesaler, refiner, broker, retail dealer, seller, receiver or storer is a person, corporation, co-partnership, agency, company, association, county or counties, municipalities and other political subdivisions and instrumentalities of the State for purposes or uses, after deduction of cost of collection and administration, other than the following: construction, improvement and/or maintenance of public roads, streets, highways and bridges and retirement of indebtednesses and interest thereon occurred in such construction, improvement and/or maintenance of such public roads, streets, highways and bridges by the State and any or all of the several counties and municipalities and other political subdivisions or instrumentalities thereof. Such amendment shall not apply to any use of such taxes, licenses or funds for the retirement of indebtednesses and interest thereon occurred in uses other than for the construction, improvement and/or maintenance of such public roads, streets highways and bridges allowed by any law or laws in existence and effect prior to the adoption of this amendment.

Committee on Constitution and Constitutional
Revision and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Riddle:

S. 64. To make an appropriation to provide for carrying out the provisions of an Act approved August 1, entitled "An Act to provide for educational opportunities for the children of soldiers, sailors and marines who were killed in action or died during the World War; to provide an appropriation, to define its uses and administration."

Committee on Finance & Taxation.

By Mr. Kuykendall:

S. 65. To amend an Act, entitled "An Act, To abolish the office of deputy solicitor of Walker County, Alabama and to create

in lieu thereof the office of County Solicitor of Walker County, Alabama, to provide for the appointment and the election of such officer by the qualified voters of said Walker County, to prescribe his powers, duties and qualifications and to provide for his compensation and the way in which same is to be paid, to fix the term of his office, to provide for the election of his successor in office and to fix the time he shall take office and to repeal all general and local laws in conflict herewith in so far as they relate to said Walker County, Alabama, approved May 23, 1931."

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that a bill will be introduced in the present session of the Legislature of Alabama to amend an act creating the office of County Solicitor for Walker County, Alabama, by fixing the salary of the County Solicitor on and after the first Monday after the second Tuesday in January, 1937, at \$3300.00 per year. And the additional duties of the County Solicitor imposed as follows: To reduce the number of state witnesses in the County Court to be summoned, to not more than two to prove the same fact; to represent the State and County in applications to the Court of Probate for orders of condemnation of lands in Walker County for such public uses of eminent domain, as provided in Chapter 286 of the 1923 Code of Alabama; to assist the coroner of Walker County in holding inquests and assembling evidence to be presented to the Grand Jury.

AFFIDAVIT

STATE OF ALABAMA }
COUNTY OF WALKER. }

Before me, the undersigned authority in and for said State and County this day personally appeared Bernard Guthrie, Editor and Publisher of The Union News, a newspaper published in Jasper, Walker County, Alabama, which has a general circulation in the county in which it is published, which newspaper has been mailed under the second class privileges for fifty-two consecutive weeks prior to the publication of the Notice to amend An Act, creating the office of County Solicitor of Walker County, Alabama, who being duly sworn, says that the legal notice, a copy of which is hereto attached, was published in the said The Union News for four consecutive weeks, namely: Nov. 19th, Nov. 26th, Dec. 3rd, and Dec. 10th, 1936.

THE UNION NEWS,

By Bernard Guthrie,
Editor and Publisher.

Sworn and subscribed to before me, this 10th day of December, 1936.

(Seal)

HATTIE STEWART,
Notary Public.

By Mr. Stephens:

S. 66. To amend Section 6766 of the Code of Alabama of 1923.
Committee on Revision of Laws.

By Mr. Stephens:

S. 67. To amend Sub-Section 11 of Section 303 of the Code of Alabama of 1923.

Committee on Revision of Laws.

By Mr. Stephens:

S. 68. To amend Sub-Section 13 of Section 303 of the Code of Alabama of 1923.

Committee on Revision of Laws.

REPORTS OF COMMITTEES

Mr. Stephens, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Ellis:

H. 30. To amend an Act entitled, "An Act to provide for the General Revenue of the State of Alabama, approved July 10, 1935," by adding Schedule 155.4A and Schedule 155.4B to Section 348 of said Act.

By Mr. Tucker:

S. 28. To provide for the granting of a free scholarship in certain schools of the State of Alabama, to the value of one hundred dollars each year, upon the donation to the State by the American Legion or the American Legion Auxiliary of the State of Alabama of the sum of twelve hundred and fifty dollars for the securing of each such scholarship.

By Mr. Woodall:

S. 47. To regulate and provide for school financing, school warrants and school tax elections and to safeguard the credit of county and city boards of education by authorizing county boards of education to issue warrants for the purpose of funding certain valid indebtedness, by validating, ratifying, approving and confirming certain warrants heretofore issued by any county or city board of education, by authorizing the issuance of warrants to refund certain of said warrants, and by validating, ratifying, approving and confirming certain school tax elections and to repeal conflicting laws.

Mr. Walton, Chairman of the Standing Committee on Public Roads and Highways reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Swift:

S. 49. To amend Schedule 156.9, Chapter IV, Article XIII, General Revenue Act of 1935, approved July 10, 1935.

Mr. Carlton, Chairman of the Standing Committee on Local Legislation reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Taylor:

H. 76. To amend Section One (1) of "An Act to reduce and fix the compensation of the Judge of the Inferior Criminal Court in Mobile County and to fix the time when said act shall go into effect."

By Mr. Hendley:

H. 14. To define, regulate and license barbers and barber colleges, and other like businesses in Covington County, State of Alabama; and create a Barbers' Commission for said county; and to provide a penalty for the violation of the provisions hereof, and to fix the powers and duties of said Commission.

By Mr. Simpson:

S. 48. To create in each city of the State of Alabama having a population of one hundred thousand or more according to the last or any subsequent Federal census a Pension and Relief Fund for for all employees of such city governed under civil service rules and regulations and for certain other officers and employees of such city who may elect to come under the provisions of this act, and for the widows of such officers and employees, to provide for a custodian of said Fund and to provide for the investment, protection, management and distribution of said Fund by a Board of Managers.

RESOLUTION

Mr. Stoddard offered the following Senate resolution:

S. R. 14. RESOLVED BY THE SENATE that House bill No. 30 be made a Special, Paramount and continuing order of Business on the call of the Calendar on the next Legislative Day and that the vote on the passage of the Bill be had not later than five o'clock P. M. (5:00 P. M.) on that day.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and sends same herewith to the Senate.

By Mr. Boswell:

H. 44. To promote temperance and suppress the evils of intemperance; to regulate and control the manufacture, purchase, bottling, sale, distribution, transportation, handling, advertising, possession, dispensing, drinking and use of alcohol, brandy, rum, whiskey, gin, wine, beer, lager beer, ale, porter, stout, and all liquid beverages and articles containing alcohol obtained by fermentation or otherwise; to create a Department of "Alcoholic Beverage Control," and an "Alabama Beverage Control Board," and to define and provide for the functions, duties, and powers thereof; to provide for the appointment, suspension, removal, compensation, cost and expense of such Board and its members, officers, agents and employees; to provide for the manufacture, sale and distribution of such alcoholic beverages of an alcoholic content of over twenty-four (24%) percent by volume; to provide for the levying and collecting of an excise tax on the sale and distribution within this State of malt and vinous beverages of an alcoholic content of twenty-four (24%) percent or less by volume; to provide for the sale and purchase at State Liquor Stores of alcoholic beverages of an alcoholic content in excess of twenty-four (24%) percent by volume; to authorize said Board to promulgate rules and regulations governing the manufacture, sale and possession of all such beverages within this State; to make it a misdemeanor for any person to purchase any such beverages from any person or persons, firm or corporation, except those authorized by this Act and by the Board under the provisions of this Act; to appropriate money for the administration of the Act and to provide for the disposition of the net profits collected under this Act; to provide for the confiscation and disposition of articles declared to be contraband; to impose penalties for violation of this Act; to repeal all laws and parts of laws in conflict hereto, and to provide that this Act shall constitute and be designated and cited as "The Alcoholic Beverage Control Act."

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read one time at length and referred to appropriate standing committee as follows:

H. 44—To the Committee on Temperance.

BILLS ON THIRD READING

The Bill:

S. 5. To define homesteads as herein used and to exempt such homesteads from such State ad valorem taxation.

Was taken up:

Mr. Woodall offered the following substitute for said bill to-wit:

A BILL

To be entitled An Act to define homesteads as herein used and to exempt such homesteads from such State ad valorem taxation.

Be it Enacted by the Legislature of Alabama:

Section 1. The word "homestead" as herein used is the "homestead" as now defined by the Constitution and Laws of the State of Alabama.

Section 2. Homesteads, as herein defined, are hereby exempted from all State ad valorem taxes beginning October 1, 1937.

Section 3. In no case shall the exemption herein made apply to more than one person, head of the family, nor shall said exemption exceed Two Thousand Dollars (\$2,000.00) in assessed value, nor one hundred sixty (160) acres in area.

Which was adopted.

Yeas, 27; Nays, 2.

Yeas:

Messrs.:

Browder

Carlton

Chesnut

Cook

Dorsey

Frazer

Goldsmith

Kelly

Kuykendall

Locke

Mixon

McDowell

Parrish

Richardson

Riddle

Russell

St. John

Simpson

Starnes

Stephens

Stoddard

Swift

Taylor

Thomas

Walton

Weaver

Woodall

—27

Nays:

Messrs.: McConnell and Wellborn.

— 2

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 30; Nays, 1.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Swift
Browder	Kuykendall	Russell	Taylor
Carlton	Locke	St. John	Thomas
Chesnut	Mixon	Simpson	Tucker
Cook	McConnell	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Frazer	Parrish	Stoddard	Woodall
Goldsmith	Richardson		

—30

Nays:—None.

SPECIAL ORDERS SET

On motion of Mr. Walton, by a unanimous vote of the Senate the following bills:

H. 30. To amend an Act entitled, "An Act to provide for the General Revenue of the State of Alabama, approved July 10, 1935," by adding Schedule 155.4A and Schedule 155.4B to Section 348 of said Act.

S. 3. To amend Sections 2, 3, 4, 5, 6, 7, and 8 of an Act entitled, "An Act to make appropriations to the Alabama Agricultural Experiment Station at Auburn; to the branch agricultural experiment stations located at Belle Mina in Limestone County, at Crossville in DeKalb County, at Marion Junction in Dallas County, at Headland in Henry County, and at Fairhope in Baldwin County, to the experiment fields located at various points in Alabama; to provide for the purchase of necessary land; to provide for the administration, supervision and direction of the research work carried on by the above agencies; to provide for the purchase of equipment, supplies, and for other necessary expenses involved in the conduct of agricultural researches and experiments on the main station at Auburn, on the branch stations, on the experiment fields, and in cooperation with farmers, and to provide how and from what sources said appropriations shall be derived, the distribution thereof, and the manner in which same shall be paid, Approved September 2, 1935.

S. 13. To Amend Section 1 of an Act entitled, "An Act to provide for Extension Work in Agricultural and home economics by giving instructions to men, women and young people in the several counties in Alabama, by continuing and improving farm and home demonstration work, by providing for the training of men and women leaders, by organizing groups of farm people, including men, women, boys and girls, into clubs for the improvement of agriculture and farm home life, and by conducting Extension Work

through other means, all with the view of making farm life more profitable and attractive; and to aid in securing for Alabama the full amounts of all Federal funds conditionally appropriated to Alabama by the Congress of the United States under an Act approved May 8th, 1914, and generally known as the Smith-Lever Act for Extension work in agriculture and home economics, and other related and supplementary acts; and to make appropriations for these purposes," (Approved September 2, 1935).

Were made Special Paramount and Continuing Orders of Business on the call of the calendar for the next Legislative day in the order named.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama,
Montgomery, Alabama
Gentlemen:

I herewith transmit message from the Governor relative to the appointment of Honorable W. D. Barton as member of the State Board of Education for the unexpired term of the late Honorable Jack Thorington.

Respectfully submitted,
PITT TYSON MANER,
Secretary to the Governor.

December 15, 1936.

To the Senate of Alabama,
Montgomery, Alabama
Gentlemen:

I am submitting to you for your action the following nomination to fill a vacancy on the State Board of Education, from the Second Congressional District for the term ending October, 1941 the Honorable W. D. Barton of Montgomery, Alabama, vice the Honorable Jack Thorington of Montgomery, Alabama, deceased.

Respectfully,

BIBB GRAVES,
Governor.

December 15, 1936.

GOVERNOR'S MESSAGE

On motion of Mr. Riddle, the Senate confirmed the appointment by His Excellency, the Governor, to fill a vacancy on the State Board of Education, from the Second Congressional District for the term ending October, 1941, the Honorable W. D. Barton of Montgomery, Alabama, vice the Honorable Jack Thorington of Montgomery, Alabama, deceased.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Parrish	Swift
Browder	Kuykendall	Richardson	Taylor
Carlton	Locke	Riddle	Thomas
Chesnut	Mixon	St. John	Walton
Cook	Mooneyham	Starnes	Weaver
Frazer	McConnell	Stephens	Wellborn
Goldsmith	McDowell	Stoddard	Woodall

—28

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Shaver:

H. 90. To amend Section 15 of an Act entitled an Act "To establish in Precinct One in Madison County, Alabama, an Inferior Court in lieu of all Justices of the Peace and Notaries Public with the powers of a Justice of the Peace in the said Precinct, to be known as the Inferior Court of Huntsville, to define the jurisdiction and powers of said Court and the Judge thereof." Approved April 4, 1911, as amended by an Act of the Legislature approved March 2, 1931.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that at the next special session of the present Legislature of the State of Alabama that a bill will be introduced which is in substance as follows:

A BILL

TO BE ENTITLED

An act to amend Section 15 of an Act entitled an Act "To establish in Precinct One in Madison County, Alabama, an Inferior Court in lieu of all Justices of the Peace and Notaries Public with the powers of a Justice of the Peace in the said Precinct, to be known as the Inferior Court of Huntsville, to define the jurisdiction and powers of said Court and the Judge thereof." Approved April 4, 1911, as amended by an Act of the Legislature approved March 2, 1931.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section One: That Section 15 of an Act entitled "An Act to establish in Precinct One in Madison County, Alabama, an Inferior Court in lieu of all Justices of the Peace and Notaries Public with the powers of a Justice of the Peace in the said Precinct, to be known as the Inferior Court of Huntsville, to define its jurisdiction and powers to said Court and the Judge thereof." Ap-

proved April 4, 1911, as amended by an Act of the Legislature approved March 2, 1931, be and the same is hereby amended so as to read as follows: Section 15. The Judge of said Court shall receive a salary of Eighteen Hundred (\$1,800.00) Dollars per annum, payable monthly upon warrant drawn upon the County Treasury of Madison County by the Chairman of the Board of County Commissioners of said County. The Clerk shall receive as compensation not more than Seventy-five (\$75.00) Dollars per month out of the County Treasury of Madison County on certificate issued to the Clerk by the Judge of said Court once each month and presented to the Chairman of the Board of County Commissioners of said County who shall thereupon issue a warrant in favor of said Clerk upon the County Treasury of said County therefor.

Section Two: All laws or parts of laws in conflict with this Act are hereby expressly repealed.

Section Three: This Act shall take effect immediately upon its passage and approval by the Governor.

STATE OF ALABAMA
MADISON COUNTY.

Before me, W. P. Nicholson, a notary public in and for said state and county, personally appeared J. M. Langhorne, known to me, who being by me first duly sworn, deposes and says he is Vice-President of The Huntsville Times Co., that it is a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached notice of a bill to be entitled to establish in precinct one in Madison County, Alabama, an Inferior Court in lieu of all Justices of the Peace and Notaries Public with the powers of a Justice of the Peace in the said Precinct, to be known as the Inferior Court of Huntsville, was published in the legal editions of the said newspaper for November 13, 1936, November 20, 1936, November 27, 1936 and December 4, 1936.

J. M. LANGHORNE,
Vice-President.

Sworn to and subscribed before me this the 4 day of December, 1936.
(Seal)

W. P. NICHOLSON,
Notary Public, Madison County, Alabama.

Also:

By Mr. Shaver:

H. 91. To abolish the office of County Treasurer of Madison County, Alabama; to authorize the Board of County Commissioners for said county to name a bank or banks of said county as county Depository or Depositories; to provide for the selection of such Depository or Depositories, and the security furnished by them, and their duties and compensation.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that application will be made to the next special session of the present Legislature of Alabama for the passage of the following local act:

AN ACT

TO ABOLISH THE OFFICE OF COUNTY TREASURER OF MADISON COUNTY, ALABAMA; TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS FOR SAID COUNTY TO NAME A

BANK OR BANKS OF SAID COUNTY AS COUNTY DEPOSITORY OR DEPOSITORIES; TO PROVIDE FOR THE SELECTION OF SUCH DEPOSITORY OR DEPOSITORIES, AND THE SECURITY FURNISHED BY THEM, AND THEIR DUTIES AND COMPENSATION.

Be it enacted by the Legislature of Alabama:

Sec. 1. The office of County Treasurer of Madison County, Alabama, is hereby abolished.

Sec. 2. That all moneys heretofore required by law to be paid to the County Treasurer shall be put into such National or State Bank or banks of said County as the Board of County Commissioners of said County may elect to the credit of said County, and all settlements heretofore required by law to be made with said Treasurer shall be made with such Board of County Commissioners, the receipt of said bank or banks so designated being sufficient voucher, and all sworn reports heretofore required by law to be made by said Treasurer to be made by such Board of County Commissioners.

Sec. 3. Accounts shall be opened and kept in said bank or banks in such manner and funds as said Board may direct, disbursements to be made upon the order of the Board of County Commissioners, and said bank or banks shall furnish said Board with a full and detailed statement of the receipts and disbursements on the second Monday of January and July in each and every year.

Sec. 4. The Board of County Commissioners shall from sealed bids place the County funds, the bids being opened on the first Monday in December of each year, with such State or National Bank or Banks in said County as offers or offer the highest rate of interest to said County on daily balances of bank deposits, such placing of said County funds to be for the period of the following calendar year, and in the event no offer of interest is made by any such bank, the Board of County Commissioners may designate such bank or banks as they deem best fitted to perform such services.

Sec. 5. The Board of County Commissioners of said County shall require adequate bond of said bank or banks to secure the safety of said deposits, which bond shall be in an amount as shall be set and fixed by said Board, having due regard to the amount of the deposits and the safety thereof. Provided, however, that the Board of County Commissioners may accept from such Depository in lieu of said bond, bonds of the State of Alabama, or bonds of the United States of America, in a like amount, to be held as security for such deposits with the same liability as on official bonds.

Sec. 6. The bank or banks so designated shall be charged with all the duties and subject to the same liabilities, insofar as the safe keeping and paying out of the funds of said County are concerned, as are now imposed by law upon the County Treasurer.

Sec. 7. Such Depository or Depositories may maintain all actions and proceedings of every kind which the County Treasurer may maintain, and all actions and proceedings may be brought against such Depository or Depositories which can be brought against the County Treasurer, including extraordinary and summary orders and proceedings. The bank or banks acting as such County Depository shall not receive any compensation or commission or other allowance for services as such. All warranty drawn upon the Depository must be signed by the Chairman of the Board of County Commissioners, and he shall be liable for the amounts of any warrants drawn upon and paid by such Depository without authority of law.

STATE OF ALABAMA MADISON COUNTY.

Before me, W. P. Nicholson, a notary public in and for said state and county, personally appeared J. M. Langhorne, known to me, who being by me first duly sworn, deposes and says he is Vice-President of The Huntsville Times,

that it is a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached notice to abolish the office of county treasurer of Madison County, Alabama, to authorize the Board of County Commissioners to name a bank or banks of said County as County Depository or Depositories, was published in the legal editions of the said Newspaper for November 4, 1936, November 11, 1936, November 18, 1936, and November 25, 1936.

J. M. LANCHORNE,
Vice-President.

Sworn to and subscribed before me this the 27 day of November, 1936.
(Seal)

W. P. NICHOLSON,
Notary Public, Madison County, Alabama.

Also:

By Mr. Staples:

H. 95. For the relief of Matt A. Boykin, Judge of the Probate Court of Mobile County, and to reimburse the said Matt A. Boykin, as such Probate Judge, out of funds of the Mobile County Treasury for necessary extra help hired and paid for by him during the months of September, October, November and December of 1935 and for the months of January, February, March, April, May and June of 1936, for which said extra help no provision nor allowance were provided by law.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that, in the event of the holding of a Special Session of the present Legislature of Alabama, the passage of a bill will be sought, providing in substance, as follows:

A BILL
TO BE ENTITLED
AN ACT

For the relief of Matt A. Boykin, Judge of the Probate Court of Mobile County, and to reimburse the said Matt A. Boykin, as such Probate Judge, out of funds of the Mobile County Treasury for necessary extra help hired and paid for by him during the months of September, October, November and December of 1935 and for the months of January, February, March, April, May and June of 1936, for which said extra help no provision nor allowance were provided by law.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. WHEREAS, because of the increased work and duties placed upon the office of the Probate Judge of Mobile County, Alabama, under acts of the General Session of the Legislature of Alabama of 1935, the Honorable Matt A. Boykin, Judge of the Probate Court of Mobile County, Alabama, was obliged to hire, and did hire and secure the services of extra help to properly perform the duties and functions of his said office during the months of September, October, November and December of 1935 and the months of January, February, March, April, May and June of 1936, but for the procurement and compensation of such extra help no provision was fixed or allowed by law; and

WHEREAS, during said months the said Matt A. Boykin as such Judge of Probate was caused to expend and did expend the sum of \$2,450.00 over and above the salaries and allowances allowed by law to him for such necessary extra clerk hire and to which sum he is entitled to reimbursement out of funds of the Mobile County Treasury;

Section 2. Said Matt A. Boykin as Probate Judge of Mobile County, Alabama, is therefore authorized, empowered and directed to draw his warrant on the Treasury of Mobile County, Alabama, for the sum of \$2,450.00 in reimbursement for the cost and expense of the aforesaid extra clerk hire for the months mentioned and the Treasurer of Mobile County, Alabama, is hereby authorized, directed and empowered to pay said warrant in full on presentation.

Section 3. This Act shall take effect immediately upon its passage and approval.

PROOF OF PUBLICATION

STATE OF ALABAMA, }
COUNTY OF MOBILE. }
CITY OF MOBILE.

Personally appeared before me, Mary Ellen Schutz, a Notary Public in and for Mobile County, Alabama, T. E. Sharp, who being first duly sworn, states that he is publisher of The Mobile Times and that the annexed publication has been regularly made once a week for 4 consecutive weeks, to-wit: On Nov. 9-16-23-30, 1936, respectively, of The Mobile Times, a newspaper printed and published in the City and County of Mobile, and State aforesaid.

T. E. SHARP,
Publisher.

Sworn to and subscribed before me, this 5th day of Dec., A. D., 1936.
(Seal)

Mary Ellen Schutz,
Notary Public.

Also:

By Mr. Hanks:

H. 99. To authorize the County of Talladega, in the State of Alabama, to acquire by purchase or otherwise, maintain and operate a hospital and home for aged and infirm persons, and make expenditures for the acquisition, maintenance and operation of same and to validate expenditures already made in connection with same.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that the following act will be introduced and passage asked at the next special session of the Legislature of Alabama:

AN ACT

To authorize the County of Talladega, in the State of Alabama, to acquire by purchase or otherwise, maintain and operate a hospital and home for aged and infirm persons, and make expenditures for the acquisition, maintenance and operation of same and to validate expenditures already made in connection with same.

Be it enacted by the Legislature of Alabama as follows:

Section I—That the County of Talladega, in the State of Alabama, shall have authority to acquire, maintain and operate a hospital and home for aged

and infirm persons, and that the court of county commissioners of said county be, and they are hereby invested with the power and authority to acquire, operate and maintain such hospital and home for aged and infirm persons in the name of said county.

Section II—The court of commissioners of said County of Talladega shall have authority to expend such funds as they may deem necessary for so acquiring, operating and maintaining said hospital and home, such expenditures to be made from any county funds except such funds as are by the general laws of the state expressly appropriated to other purposes. The said court of county commissioners shall have power and authority to make all regulations and charges which they deem necessary and proper in the operation of said hospital and home.

Section III—All acts of said court of county commissioners heretofore done in the acquiring, maintaining and operating of said home and hospital shall be valid.

Section IV—Every section of this act and every part of each section are hereby declared to be independent sections and parts of sections, and the holding of any section or part thereof to be void, ineffective or unconstitutional for any cause, shall not effect the other sections or parts thereof.

Section V—That all laws or parts of laws insofar as they are in conflict with this act, be, and they are hereby expressly repealed.

Section VI—This act shall become effective upon its passage and approval by the Governor.

STATE OF ALABAMA TALLADEGA COUNTY.

Personally appeared before me, a Notary Public in and for said County, Tom R. Williams, who being duly sworn according to law, deposes and says that he is the Manager of The Talladega Daily Home, a newspaper published in said County, and that the publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper for 4 weeks consecutively, to-wit in the issues hereof dated as follows: November 10, 1936, November 17, 1936, November 24, 1936, December 1, 1936.

TOM R. WILLIAMS.

Subscribed and sworn to before me this day of Dec. 5, 1936.
(Seal)

OTIS R. BENTON,
Notary Public.
Printers Fee, \$21.35

Also:

By Mr. Sparks (Barbour):

H. 81. To ratify and confirm the special city school district tax election held on January 28, 1936, in the City of Eufaula, Barbour County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that at the request of the City Board of Education of the City of Eufaula, Alabama, I will introduce in the Extraordinary Session of the Legislature of Alabama, beginning November 23, 1936, and seek to have passed the following bill:

A BILL
TO BE ENTITLED
AN ACT

To ratify and confirm the special city school district tax election held on January 28, 1936, in the City of Eufaula, Barbour County, Alabama.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

That the special city school district tax election held in the City of Eufaula, Barbour County, Alabama, on January 28, 1936, under the authority of the Special School Tax Amendment to the Constitution, at which a majority of the qualified electors voting thereat voted in favor of the levy and collection of a tax of thirty cents on each one hundred dollars of taxable property in said City of Eufaula for public school purposes within said City to begin from September 30, 1936 and to continue for seventeen years from said date, is hereby ratified and confirmed, notwithstanding that the result of said election was to enlarge without statutory authority the scope of the purpose for which a similar special three mill district school tax may have been authorized at an earlier election, or to extend the period of time during which such tax was to be levied and collected beyond the period of time authorized at the earlier election but during the unexpired period of time of the special three mill county school tax.

This November 16, 1936.

CHAUNCEY SPARKS.

STATE OF ALABAMA,
BARBOUR COUNTY.

Before me, Lee J. Clayton, a Notary Public in and for said State and County, personally appeared H. L. Upshaw, who being sworn, deposes and says on oath, that he is the Publisher of The Eufaula Tribune, a newspaper published daily except Sunday, in the City of Eufaula, Barbour County, Alabama, and that the foregoing attached notice was published in said newspaper 4 times, the same appearing in the issues dated: Nov. 16-23-30, Dec. 7.

H. L. UPSHAW.

Sworn to and subscribed before me this 7 day of December, 1936.

LEE J. CLAYTON,
Notary Public, Barbour Co., Ala.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read one time at length and referred to appropriate Standing Committee as follows:

House Bills 90, 91, 95, 99, 81. To the Committee on Local Legislation.

RECESS

At 1:10 P. M., on motion of Mr. Stoddard, the Senate took a recess until 3 o'clock this afternoon.

AFTERNOON SESSION—SEVENTH DAY

Tuesday, December 15th, 1936.

The Senate re-assembled at 3 P. M., Lieutenant-Governor Knight presiding.

ROLL CALL

Present:

Messrs.:

Bonner
Browder
Carlton
Chesnut
Cook
Dorsey
Frazer
Goldsmith
Kelly

Kuykendall
Locke
Mixon
Mooneyham
McConnell
McDowell
Parrish
Richardson

Riddle
Rogers
Russell
St. John
Simpson
Starnes
Stephens
Stoddard

Swift
Taylor
Thomas
Tucker
Walton
Weaver
Wellborn
Woodall

—33

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Russell:

S. 69. To authorize Dallas County, through its Court of County Revenues, or other governing body, to build, rent lease, contract for the use of, or, acquire in any manner it may choose, and under any contract that it may deem advisable, a jail for the use of said County, whether with or in conjunction with the City of Selma, or otherwise, and to ratify any contract which may have heretofore been made.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that a bill substantially as follows will be introduced and offered for passage at the next special session of the Legislature of Alabama:

A BILL

to be entitled an Act to authorize Dallas County, through its Court of County Revenues, or other governing body, to build, rent lease, contract for the use of, or acquire in any manner it may choose, and under any contract that it may deem advisable, a jail for the use of said County, whether with or in conjunction with the City of Selma, or otherwise, and to ratify any contract which may have heretofore been made.

Section 1. Be it enacted by the Legislature of Alabama, that Dallas County is authorized and empowered, by and through its Court of County Revenues, or other governing body, to build, rent lease, contract for the use of, or, acquire in any manner it may choose, and under any contract it may deem advisable, a jail for the use of Dallas County.

Section 2. Be it further enacted that any contract which said County may make under the provisions of Section 1, hereof, may be made with the City of Selma for the joint use of a building or buildings under such terms and conditions as the parties may deem equitable and right.

Section 3. Be it further enacted that any contract entered into by the County shall be authorized and ratified by the Court of County Revenues in a regular or special session of said Court.

Section 4. Be it further enacted, that any contract or exercise of authority which may have been made within the scope of the provisions of this Act by said County of Dallas, is hereby ratified and fully confirmed.

Section 5. Be it further enacted, that all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

L. P. BURNS, Mayor of Selma

W. M. VAUGHAN, Probate Judge.

THE STATE OF ALABAMA }
THE COUNTY OF DALLAS }

Before me, Minnie E. Galt, a Notary Public in and for said State and County, personally appeared F. P. Raiford who is known to me, and who being by me first duly sworn, declares:

That he is publisher of The Selma Times-Journal, a newspaper published in Selma, Dallas County, Alabama six days in the week, and that the attached legal notice appeared in the Selma Times-Journal on November 16-23-30, December 7, 1936.

F. T. RAIFORD, Publisher,
The Selma Times-Journal.

Sworn to and subscribed before me this 14th day of December, 1936.

(Seal) MINNIE E. GALT, Notary Public,
Dallas County, Alabama.

REPORTS OF COMMITTEES

Mr. Russell, Chairman of the Standing Committee on Finance and Taxation reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Simpson:

S. 53. To amend Section 2 of an Act approved April 10th, 1936 entitled "An Act to amend Schedule 158 of Chapter 6, Article 13

of 'An Act to provide for the General Revenue of the State of Alabama, approved July 10, 1935'.

By Mr. Davis:

H. 79. To make an appropriation of two hundred and fifty thousand dollars or so much thereof as may be necessary out of any funds in the state treasury not otherwise appropriated to defray the expenses of the present session of the Legislature.

Mr. Frazer, Chairman of the Standing Committee on Revision of Laws reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Simpson:

S. 55. To amend Section 2220 of the Code of Alabama of 1923.

Mr. Frazer, Chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without Recommendation and it was read a second time and placed on the calendar, to-wit:

By Mr. Simpson:

S. 56. To amend Section 7 of Act No. 102, Extra Session of the Legislature of Alabama of 1933, approved March 29, 1933 (Acts of 1933, page 88).

Mr. Simpson, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. McDermott:

H. 28. To amend Section 17 of an act entitled "An Act to establish Jury Boards in the several counties of this State, to fix the membership of said Boards, to prescribe the qualifications and terms of office and provide for the appointment of the members thereof; to fix their compensation and to define their duties; to provide for the appointment, duties and compensation of clerks of said Boards, for the qualifications of jurors, for the preparation of jury rolls and the emptying, filling and refilling of jury boxes; and to provide for the payment of the necessary expenses of the Boards," approved February 20, 1931.

ADVERSE REPORT

Mr. Russell, Chairman of the Standing Committee on Finance & Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with an Adverse Report, and it was read a second time and placed on the Adverse calendar, to-wit:

By Mr. Carlton:

S. 57. To amend Section 6771 of the Code of Alabama of 1923, as amended by act approved July 31, 1931, (Acts 1931, page 805).

RESOLUTION

The Rules Committee reported the following joint resolution:

S. J. R. 15. BE IT RESOLVED BY THE SENATE, the House concurring, that when the two houses adjourn today, they adjourn to meet again on Thursday, December 17, 1936 at ten o'clock A. M.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Chichester:

H. 70. To amend Schedule 154 of Article XIII, Chapter 1 of Section 348 of an Act approved July 10, 1935, entitled "An Act to provide for the general revenue of the State of Alabama".

Also:

By Mr. Todd:

H. 42. To amend Schedule 158.5 of Chapter 6, Article 13, of an act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

Also:

By Mr. Poole (Butler):

H. 45. To regulate the business of selling used motor vehicles by dealers not residing in or having a permanent place of business in the State of Alabama, and by resident dealers purchasing, handling and selling used vehicles, used or acquired from non-resident dealers; to require the registration of all used motor vehicles

brought into the State of Alabama for the purpose of sale, with Probate Judges in several counties; to require all such dealers to execute and deliver to such purchaser of such used vehicles, a bond indemnifying the purchaser against failure of title, breach of warranty, or fraudulent misrepresentation; to define the terms "dealer" and "vendor," and to provide penalties for the violation of the provisions of this Act.

Also:

By Mr. Chichester:

H. 61. To amend Section 3 of "An Act to require each and every motor vehicle operated upon the city streets and public highways of Alabama to have and keep attached and plainly visible at all times on both ends of the motor vehicle a license tag as prescribed and furnished by the State Tax Commission and to prescribe the punishment for violations of this act," approved September 14, 1935.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor.
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read one time at length and referred to appropriate standing committees as follows:

H. 70, H. 45, H. 42—To the Committee on Finance and Taxation.

H. 61—To the Committee on Public Roads and Highways.

BILLS ON THIRD READING

The bill:

S. 7. To amend Chapter 3 of Article 9 of an Act entitled, An Act to provide for the general revenue of the State of Alabama, approved July 10, 1935, Acts 1935, page 256, by striking out Section 320 of said Chapter, and by amending Section 332 of said Chapter so as to make it read as follows: "Section 332. Money collected paid into Treasury. The payment of the franchise tax provided herein shall be made to the State Tax Commission of Alabama, at Montgomery, Alabama, with checks made payable to

the State Treasurer of Alabama, and shall be covered into the Alabama Special Educational Trust Fund, created by sub-division 2-K of Section 2 of an Act of the Legislature approved July 22, 1927, Acts 1927, page 139, and to repeal all laws in conflict herewith.

Was read a third time at length and lost.

Yeas, 11; Nays, 20.

Yeas:

Messrs.:

Dorsey	Mixon	Rogers	Swift	
Frazer	McConnell	Russell	Tucker	
Locke	McDowell	Simpson		—11

Nays:

Messrs.:

Bonner	Kelly	Riddle	Taylor	
Browder	Kuykendall	St. John	Thomas	
Carlton	Mooneyham	Starnes	Walton	
Chesnut	Parrish	Stephens	Weaver	
Cook	Richardson	Stoddard	Woodall	—20

PAIR ANNOUNCED

Mr. Wellborn announced that he and Mr. Walden were paired on this vote; that Mr. Walden, if present, would vote "aye" and he, Mr. Wellborn, would vote "no."

The bill:

S. 38. To provide for the refunding of outstanding school warrants by County Boards of Education and to validate certain outstanding school warrants heretofore issued by such boards.

Was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to said bill, to-wit:

Amendment to Senate bill No. 38

That Section 1 of Senate bill No. 38 be and the same is hereby amended by adding the words

"Insofar as any funding or refunding warrants may be concerned or effected

immediately after the words and figures "Section 1" and before the words "any warrant" as they appear in said bill.

Which was adopted.

Yeas, 32; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Swift
Browder	Kuykendall	Rogers	Taylor
Carlton	Mixon	Russell	Thomas
Chesnut	Mooneyham	St. John	Tucker
Cook	McConnell	Simpson	Walton
Dorsey	McDowell	Starnes	Weaver
Frazer	Parrish	Stephens	Wellborn
Goldsmith	Richardson	Stoddard	Woodall

—32

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 31; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers	Taylor
Browder	Mixon	Russell	Thomas
Carlton	Mooneyham	St. John	Tucker
Chesnut	McConnell	Simpson	Walton
Cook	McDowell	Starnes	Weaver
Dorsey	Parrish	Stephens	Wellborn
Goldsmith	Richardson	Stoddard	Woodall
Kelly	Riddle	Swift	

—31

Nays:—None.

The bill:

S. 19. To amend Schedule 146 of Section 348 of Article XII, Chapter 2, of an Act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

Was taken up.

Mr. Walton offered the following substitute for said bill to-wit:

A BILL

To be entitled An Act to amend Schedule 146 of Section 348 of Article XII, Chapter 2 of an Act entitled, "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

Be it enacted by the Legislature of Alabama:

Section 1. That Schedule 146 of Section 348 of Article XII, Chapter 2 of an Act entitled, "An Act to provide for the general revenue of the State of Alabama," be and the same is hereby amended by adding at the end thereof the following:

Provided, that this Schedule shall not apply to persons who

buy poultry and eggs from the producer for resale to the consumer, who use not more than one vehicle in the carrying on of said business, and who are engaged exclusively in the buying of poultry and eggs from the producer for resale to the consumer.

Which was adopted.

Yeas, 28; Nays, 1.

Yeas:

Messrs.:

Bonner	Kuykendall	Riddle	Swift
Browder	Locke	Rogers	Taylor
Carlton	Mixon	Russell	Thomas
Chesnut	Mooneyham	St. John	Tucker
Cook	McConnell	Simpson	Walton
Goldsmith	Parrish	Starnes	Wellborn
Kelly	Richardson	Stephens	Woodall

—28

Nay: Mr. Dorsey.

—1

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 27; Nay, 1.

Yeas:

Messrs.:

Bonner	Locke	Rogers	Taylor
Browder	Mixon	Russell	Thomas
Carlton	Mooneyham	St. John	Tucker
Chesnut	McConnell	Simpson	Walton
Cook	Parrish	Starnes	Wellborn
Kelly	Richardson	Stephens	Woodall
Kuykendall	Riddle	Swift	

—27

Nay: Mr. Dorsey.

—1

The bill:

S. 43. To amend Section 2 of an Act of the Legislature approved July 10, 1935, entitled "An Act to provide for the general revenue of the State of Alabama," Acts 1935, page 256.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Dorsey	Mooneyham	Rogers
Browder	Kelly	McConnell	Russell
Carlton	Kuykendall	Parrish	St. John
Chesnut	Locke	Richardson	Simpson
Cook	Mixon	Riddle	Starnes

Stephens
Taylor

Thomas
Tucker

Walton
Wellborn

Woodall

—27

Nays:—None.

BILLS INDEFINITELY POSTPONED

On motion of Mr. Swift, further consideration of the following bills:

S. 8. To amend Chapter 8 of Article 13, of an act entitled, "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935, Acts 1935, page 256, by repealing Schedule 160.21 of said Chapter, and adding thereto Section 160.23 as follows: Section 160.23. The Superintendent of Insurance shall certify the money so received into the State Treasury, to be covered by the State Treasurer into the Special Educational Trust Fund, created by sub-division 2-K of Section 2 of an Act of the Legislature approved July 22, 1927, Acts 1927, page 139.

S. 9. To amend Section 345.34 of Article 11 of an Act entitled, "An Act to provide for the General Revenue of the State of Alabama," approved July 10, 1935, Acts 1935, page 256."

S. 10. To repeal Section 6 of an Act entitled, "An Act To authorize and provide for the issuance of Refunding Bonds of the State of Alabama for the purpose of Refunding Bonds issued or to be issued pursuant to Act No. 177 of the Legislature of Alabama passed at its Extraordinary Session of Nineteen Thirty Three and approved April 17, 1933, and validating said bonds issued pursuant to Act No. 177. To provide for a sinking fund and to make an appropriation from the State Treasury to meet the deficiencies in the sinking fund and for expenses in refunding said bonds," approved February 8, 1935, Acts 1935, page 118.

S. 11. To amend Chapter 2 of Article 9, of an Act to provide for the general revenue of the State of Alabama," approved July 10, 1935, and printed at page 256 of the Acts of 1935, by adding thereto Section 316.1; and to repeal all laws in conflict therewith.

S. 12. To amend Section 405 of an act entitled, "An Act to provide for the General Revenue of the State of Alabama," approved July 10, 1935, Acts 1935, page 256:

Was indefinitely postponed by the Senate.
Yeas, 24; Nays, 8.

Yeas:
Messrs.:
Bonner
Browder

Carlton
Chesnut

Cook
Goldsmith

Kelly
Kuykendall

Mixon	Richardson	Stephens	Walton
Mooneyham	Riddle	Stoddard	Weaver
McConnell	St. John	Taylor	Wellborn
Parrish	Starnes	Thomas	Woodall
—24			
<i>Nays:</i>			
<i>Messrs.:</i>			
Dorsey	McDowell	Russell	Swift
Frazer	Rogers	Simpson	Tucker
— 8			

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Connor:

H. 21. To amend Schedule 158.1 of Chapter 6, Article 13, of an Act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read one time at length and referred to appropriate standing committee as follows:

H. 21 To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following:

By Rules Committee:

S. J. R. 15. Relative to the two Houses adjourning today to meet again on Thursday, December 17, 1936, at ten o'clock A. M.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the seventh Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the seventh Legislative day approved by the Senate.

ADJOURNMENT

At 4:10 P. M., on motion of Mr. Mooneyham and in pursuance with joint resolution heretofore adopted, the Senate adjourned until Thursday, December 17, 1936, at 10 A. M.

EIGHTH DAY

Thursday, December 17th, 1936.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The Session was opened with prayer by H. G. Earnest, Door-keeper of the Senate.

ROLL CALL

Present:

Messrs:

Bonner
Browder
Carlton
Chesnut
Cook
Dorsey
Frazer
Goldsmith
Kelly

Kuykendall
Locke
Mixon
Mooneyham
McConnell
McDowell
Parrish
Richardson
Riddle

Rogers
Russell
St. John
Simpson
Starnes
Stephens
Stoddard
Swift

Taylor
Thomas
Tucker
Walden
Walton
Weaver
Wellborn
Woodall

JOURNAL

On motion of Mr. Mooneyham the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Carlton:

S. 70. To provide for the construction and operation of a passenger elevator in the State Capitol of Alabama, and to make an appropriation therefor.

Committee on Finance and Taxation.

REPORTS OF COMMITTEES

Mr. Wellborn, Chairman of the Standing Committee on Banking, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report and it was read a second time and placed on the calendar, to-wit:

By Mr. Wellborn:

S. 59. To authorize all banks incorporated under the laws of this State to become instrumentalities and agencies of the State of Alabama, and to require of such banks certain services for the State of Alabama.

Mr. Mooneyham, Chairman of the Standing Committee on Municipalities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar to-wit:

By Mr. Browder:

S. 46. To amend Section 6 of an act, approved July 10, 1931, appearing on page 436 of the 1931 Acts of the Legislature "To amend an act entitled 'An Act to amend Sections 1754, 1757, 1760 and 1894 of the Code of Alabama, 1923' approved September 9, 1927."

By Mr. Browder:

S. 44. To amend Section 2171 of the Code of Alabama, 1923; to repeal all laws in conflict herewith, and provide when this act shall become effective.

By Mr. Browder:

S. 45. To provide for and regulate the issuance and dissolution of an injunction for failure to pay in full as due all municipal privilege license or excise tax and to provide remedies for collecting the same; to provide for an appeal; to make this remedy cumulative; and to provide when this act shall become effective.

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Wellborn:

S. 58. To provide a fund for the support of a law library for the Circuit Court of Calhoun County, Alabama, without appropriation from the State or County Treasury by the assessment and collection of court cost in all suits, actions and proceedings hereafter filed or brought to said court, and provide for the regulation and control of said fund.

By Mr. Rogers:

S. 62. To amend Section 7 of Act entitled, "An Act creating and establishing Juvenile Courts in all counties in the State of Alabama now having or which shall hereafter have a population according to the last Federal census of not less than 95,000 and not more than 175,000, defining their powers and jurisdictions and providing for the process and procedure of said courts; for the equipment of said courts, for the Judge and officers of the courts; their term of office and their salaries, and defining their duties and the payment by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties of all premiums that may accrue on account of the bond of the Clerk thereof; for the transportation of Probation Officers, for the service of process, including warrants and the fees thereof and the payment of said fees; for the detention of juvenile delinquents and dependents and neglected children, providing for a commission to aid in carrying out the work of the courts and prescribing its duties, and providing for appeals from any order or judgment of said courts; making it an offense for any person knowingly and wilfully to encourage, aid, abet, cause a state of delinquency or dependency of any child under sixteen years of age, or produce, promote or contribute to the conditions which render any child delinquent or dependent and providing punishment therefor; providing for the transfer of certain cases to said Juvenile Courts; providing for the apprehension of such children and persons and the commitment of children to any family, asso-

ciation or institution; for the transportation of such children and the payment of cost by said counties; providing for the commitment of Juvenile delinquents and dependents to any family, association or institution within the State to which they may be respectively committed and providing for the payment of the cost thereof by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties, providing for the payment by the cities or towns in which said courts are established of one-half of the expenses arising out of the operation of said Courts, and for the protection of said children against disqualification or prejudice in other courts in the Civil Service of the State or municipality on account of any judgment or order of said court or any confession, statement, declaration or admission or silence or demeanor of said juveniles, and provide for the repeal of certain laws," approved September 9, 1927, as amended by an Act approved April 21, 1931, so as, among other things, to make the Act applicable to all counties in the State of Alabama, then having or which should thereafter have a population according to the last Federal census of not less than 100,000 nor more than 175,000, and as further amended by an Act approved April 17, 1933, and as further amended by Act approved September 13, 1935.

By Mr. Kuykendall:

S. 65. To amend an Act, entitled "An Act, To Abolish the office of deputy solicitor of Walker County, Alabama and to create in lieu thereof the office of County Solicitor of Walker County, Alabama, to provide for the appointment and the election of such officer by the qualified voters of said Walker County, to prescribe his powers, duties and qualifications and to provide for his compensation and the way in which same is to be paid, to fix the term of his office, to provide for the election of his successor in office and to fix the time he shall take office and to repeal all general and local laws in conflict herewith in so far as they relate to said Walker County, Alabama, approved May 23, 1931."

By Mr. Sparks (Barbour):

H. 81. To ratify and confirm the special city school district tax election held on January 28, 1936, in the City of Eufaula, Barbour County, Alabama.

By Mr. Shaver:

H. 90. To amend Section 15 of an Act entitled an Act "To establish in Precinct One in Madison County, Alabama, an Inferior Court in lieu of all Justices of the Peace and Notaries Public with the powers of a Justice of the Peace in the said Precinct, to be known as the Inferior Court of Huntsville, to define the juris-

diction and powers of said Court and the Judge thereof." Approved April 4, 1911, as amended by an Act of the Legislature approved March 2, 1931.

By Mr. Shaver:

H. 91. To abolish the office of county Treasurer of Madison County, Alabama; to authorize the Board of County Commissioners for said County to name a bank or banks of said County as County depository or depositories; to provide for the selection of such depository or depositories, and the security furnished by them, and their duties and compensation.

By Mr. Staples:

H. 95. For the relief of Matt A. Boykin, Judge of the Probate Court of Mobile County, and to reimburse the said Matt A. Boykin, as such Probate Judge, out of funds of the Mobile County Treasury for necessary extra help hired and paid for by him during the months of September, October, November and December of 1935 and for the months of January, February, March, April, May and June of 1936, for which said extra help no provision nor allowance were provided by law.

By Mr. Hanks:

H. 99. To authorize the County of Talladega, in the State of Alabama, to acquire by purchase or otherwise, maintain and operate a hospital and home for aged and infirm persons, and make expenditures for the acquisition, maintenance and operation of same and to validate expenditures already made in connection with same.

By Mr. Russell:

S. 69. To authorize Dallas County, through its Court of County Revenues, or other governing body, to build, rent lease, contract for the use of, or acquire in any manner it may choose, and under any contract that it may deem advisable, a jail for the use of said County, whether with or in conjunction with the City of Selma, or otherwise, and to ratify any contract which may have heretofore been made.

Mr. Bonner, Chairman of the Standing Committee on Temperance reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Russell (with amendment):

S. 22. To prohibit the driving of motor vehicles by habitual users of narcotic drugs, or habitual drunkards, or by persons under the influence of liquor or narcotic drugs, and to provide penalties for the violation of this act.

CONSIDERATION OF SPECIAL ORDERS

Upon a Call of the Calendar, the Senate proceeded to consider the Special, Paramount and Continuing Orders of Business for to-day, the first of which was:

The bill:

H. 30. To amend an Act entitled "An Act to provide for the General Revenue of the State of Alabama, Approved July 10, 1935," by adding Schedule 155.4A and Schedule 155.4B to Section 348 of said Act.

Was taken up.

Mr. Simpson offered the following amendment to said bill, to-wit:

Amend House Bill 30 by adding thereto the following additional section to be known as Section 9.

Section 9. It is expressly provided that the levy hereinmade is exclusively for State purposes and there shall not be levied or imposed the additional license or tax for county purposes authorized by Section 350 of the Act approved July 10th, 1935, entitled, "An Act to Provide for the General Revenue of Alabama."

Mr. Stoddard moved to table the amendment offered by Mr. Simpson, which motion prevailed and the amendment was laid on the table.

Yeas, 20; Nays, 13.

Yeas:

Messrs:

Browder
Carlton
Chesnut
Cook
Kelly

Kuykendall
Mixon
Mooneyham
Parrish
Richardson

Riddle
St. John
Starnes
Stephens
Stoddard

Taylor
Thomas
Walton
Weaver
Woodall

—20

Nays:

Messrs:

Bonner
Dorsey
Goldsmith
Locke

McConnell
McDowell
Rogers

Russell
Simpson
Swift

Tucker
Walden
Wellborn

—13

Mr. Russell offered the following amendment to said bill, to-wit:

Amend Section 1 of H. B. 30 by adding immediately following the words, "establishments within the State" where the same occur together therein (line 6, page 1, of printed bill), the following additional words and figures: "whose gross receipts exceed two thousand dollars for the tax month."

Mr. Riddle moved to table the amendment offered by Mr. Russell, which motion prevailed and said amendment was laid on the table.

Yeas, 21; Nays, 12.

Yeas:

Messrs:

Browder	Kuykendall	Riddle	Taylor
Carlton	Mixon	St. John	Thomas
Chesnut	Mooneyham	Starnes	Walton
Cook	Parrish	Stephens	Weaver
Goldsmith	Richardson	Stoddard	Woodall
Kelly			

—21

Nays:

Messrs:

Bonner	McConnell	Russell	Tucker
Dorsey	McDowell	Simpson	Walden
Locke	Rogers	Swift	Wellborn

—12

Mr. Rogers offered the following amendment to said bill, to-wit:

Amend section 5 of H. B. 30 by inserting immediately after the words "gasoline and lubricating oils" and immediately before the words "cigars, cigarettes etc the words "fertilizer."

And on motion of Mr. Riddle said amendment was laid on the table.

Yeas, 21; Nays, 13.

Yeas:

Messrs:

Browder	Kuykendall	Riddle	Taylor
Carlton	Mixon	St. John	Thomas
Chesnut	Mooneyham	Starnes	Walton
Cook	Parrish	Stephens	Weaver
Goldsmith	Richardson	Stoddard	Woodall
Kelly			

—21

Nays:

Messrs:

Bonner	McConnell	Russell	Tucker
Dorsey	McDowell	Simpson	Walden
Frazer	Rogers	Swift	Wellborn
Locke			

—13

Mr. Rogers also offered the following amendment to said bill, to-wit:

Amend Section 5 of H. B. 30 by inserting immediately after the words "gasoline and lubricating oils" and immediately before the word "cigar" the words "farm products."

Mr. Riddle moved to table the amendment offered by Mr. Rogers, which motion prevailed and said amendment was laid on the table.

Yeas, 20; Nays, 14.

Yeas:

Messrs:

Browder	Kelly	Riddle	Taylor
Carlton	Kuykendall	St. John	Thomas
Chesnut	Mooneyham	Starnes	Walton
Cook	Parrish	Stephens	Weaver
Goldsmith	Richardson	Stoddard	Woodall

—20

Nays:

Messrs:

Bonner	Mixon	Russell	Tucker
Dorsey	McConnell	Simpson	Walden
Frazer	McDowell	Swift	Wellborn
Locke	Rogers		

—14

Mr. Simpson also offered the following amendment to said bill, to-wit:

Amend Sec. 5 of H. B. 30 by adding the following words immediately following the word "Iron" therein, viz:

"mileage Tax imposed by the motor carrier Act of 1931 on motor carriers."

Mr. Riddle moved to table the amendment offered by Mr. Simpson, which motion prevailed and said amendment was laid on the table.

Yeas, 21; Nays, 13.

Yeas:

Messrs:

Browder	Kuykendall	Riddle	Taylor
Carlton	Mixon	St. John	Thomas
Chesnut	Mooneyham	Starnes	Walton
Cook	Parrish	Stephens	Weaver
Goldsmith	Richardson	Stoddard	Woodall
Kelly			

—21

Nays:

Messrs:

Bonner	McConnell	Russell	Tucker
Dorsey	McDowell	Simpson	Walden
Frazer	Rogers	Swift	Wellborn
Locke			

—13

PROTEST

Mr. President:

Under Section 55 of the Constitution of Alabama, I desire to have spread on the Journal of the Senate, before the final vote on

H. 30, by Ellis, my protest against the issue by the Governor and its communication to a member or members of this body, of a letter, this day read in this body, promising in effect, that even if applicable, said H. 30 if it becomes a law, will not be enforced against certain classes of taxpayers during his administration.

(Signed)

James A. Simpson,
13th Senatorial District.

The foregoing protest was read and ordered spread upon the Journal.

And said bill was then read a third time at length and passed.

Yeas, 19; Nays, 14.

Yeas:

Messrs:

Browder

Carlton

Chesnut

Cook

Kelly

Kuykendall

Mooneyham

Parrish

Richardson

Riddle

St. John

Starnes

Stephens

Stoddard

Taylor

Thomas

Walton

Weaver

Woodall

—19

Nays:

Messrs:

Bonner

Dorsey

Frazer

Locke

Mixon

McConnell

McDowell

Rogers

Russell

Simpson

Swift

Tucker

Walden

Wellborn

—14

Mr. Riddle moved that the Senate re-consider the vote by which the bill, H. 30, was passed by the Senate, which motion was lost and the Senate refused to re-consider said vote.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following:

By Mr. Staples:

H. 63. To amend an Act entitled "An Act to prescribe legal investments of trust funds by fiduciaries" approved Feb'y 8, 1935.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing Message from the House was read one time at length and referred to appropriate standing committee as follows:

H. 63—To the Committee on Banking

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Chichester:

H. 59. To amend Section 9796 of the Code of Alabama of 1923.

Also:

By Mr. Hendley:

H. 74. To amend an Act No. 181 of the Legislature of Alabama approved April 21, 1936, entitled "An Act to authorize the governing bodies of the counties in this State to fund or refund indebtedness of such counties outstanding on October 1, 1935, by the issuance of funding or refunding warrants; to provide the time within which such funding or refunding warrants shall mature and the maximum rate of interest thereon; and to provide that such interest shall be payable semi-annually and may be evidenced by coupons. This Act shall not apply to Counties now or hereafter having a population of 90,000 or more according to the last or any succeeding Federal Census," by amending Sections 1 and 2 thereof.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing Message from the House were severely read one time at length and referred to appropriate Standing Committees as follows:

H. 59—To the Committee on Revision of Laws.

H. 74—To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Robertson (Cullman):

H. 39. To Authorize the Governor to Purchase Copies of "Simon's Compilation of Alabama Revenue Laws" to be paid for out of the departmental funds of the departments affected.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read one time at length and referred to appropriate standing committee as follows:

H. 39—To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following:

By Mr. Reeder:

H. J. R. 17. WHEREAS, the Democratic National Platform adopted in Philadelphia contained the following:

"We shall continue, as in the past, to give adequate protection to our farmers and manufacturers against unfair competition or the dumping on our shoulders of commodities and goods produced by cheap labor or subsidized by foreign governments."

AND WHEREAS, the use of jute, a product of India, in the manufacture of cotton bagging, sacks, and other containers prevents the use of approximately one million bales of cotton; therefore

BE IT RESOLVED by the Legislature of Alabama, that the Congress of the United States be requested to place such a tariff on jute and other competing fibres as will protect American-grown cotton from the undue competition of such fibres.

BE IT FURTHER RESOLVED, that copies of this resolution attested by the Speaker of the House and President of the Senate, be forwarded to the Senators and Congressmen from Alabama.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Walton, H. J. R. 17, set out in the foregoing House Message, was concurred in and adopted.

RESOLUTIONS

The Rules Committee reported the following joint resolution:

S. J. R. 16. BE IT RESOLVED BY THE SENATE, the House concurring, that when the two Houses adjourn today they adjourn to meet again on Friday, December 18th, at ten o'clock A. M.

Which was adopted.

RECESS

At 1:50 P. M., on motion of Mr. Riddle, the Senate took a recess until 3:30 this afternoon.

AFTERNOON SESSION—EIGHTH DAY

Thursday, December 17th, 1936.

The Senate re-assembled at 3:30 P. M., Lieutenant Governor Knight presiding.

ROLL CALL

Present:

Messrs:			
Bonner	Locke	Rogers	Taylor
Browder	Mixon	Russell	Thomas
Carlton	Mooneyham	St. John	Tucker
Chesnut	McConnell	Simpson	Walden
Cook	McDowell	Starnes	Walton
Dorsey	Parrish	Stephens	Weaver
Frazer	Richardson	Stoddard	Wellborn
Kelly	Riddle	Swift	Woodall

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INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Walton:

S. 71. For the protection of human beings against rabies, to require inoculation against rabies of all dogs running at large, to provide for the apprehension and disposition of dogs running at large which have not been inoculated in accordance with the provisions of this Act, to provide for the confinement of bitten dogs, and dogs that have bitten human beings, to provide a means of en-

forcement of the provisions of this Act, the appointment of a Rabies Inspector, to fix fees for inoculation of dogs, and to fix penalties for the violation of the provisions hereof.

Committee on Public Health.

By Mr. Taylor:

S. 72. To limit the amount which the governing body of the municipalities of this State may assess against adjoining property for public improvements to one-fourth of the costs of such improvements serving such adjoining property.

Committee on Municipalities.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bill, your signature thereto is requested:

H. 30. To amend an Act entitled, "An Act to provide for the General Revenue of the State of Alabama, Approved July 10, 1935", by adding Schedule 155.4A and Schedule 155.4B to Section 348 of said Act.

E. F. Taylor,
Clerk.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Messrs. Kirby and O'Neal:

H. 101. To require the Courts of County Commissioners, Boards of Revenue, or other governing bodies of all counties in Alabama having a population of not less than 36,880 nor more than 36,890, according to the 1930 Federal Census, to set aside, appropriate, and deposit in the State Treasury to the credit of the State Highway Department, from the funds that said counties, having said population, receive from the State of Alabama as Gasoline

Tax, the amount of Twenty-Five Hundred Dollars each month beginning January, 1937, and Twenty-Five Hundred Dollars (\$2,500.00), during the biennium beginning January, 1938 and ending December 31, 1940, for the sole purpose of matching State and/or Federal Funds for constructing in all said counties having said population, paved roads connecting adjoining county seats; and to prohibit the Courts of County Commissioners, Boards of Revenue, or other governing bodies of said counties having said population, from expending such part or share of said tax for any other purpose.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read one time at length and referred to appropriate standing committee as follows:

H. 101—To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following:

By Rules Committee:

S. J. R. 16. Relative to two Houses adjourning today to meet again on Friday, December 18th, at ten o'clock A. M.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

ORDER TO PRINT

On motion of Mr. Woodall 500 copies of the bill:

S. 63. To propose an amendment to the Constitution of Alabama to be known as Article _____, prohibiting the State, the several counties and municipalities and other political sub-divisions and instrumentalities thereof from using or expending funds derived from taxes and licenses on gasoline, other liquid motor fuels or substitutes therefor, automobiles, trucks, busses and other motor vehicles, excepting revenues derived from driver's license fees and motor vehicle ad valorem taxes, including any tax or license

based upon any gallage or other amount or quantity levied upon any distributor, wholesaler, refiner, broker, retail dealer, seller, receiver or storer of gasoline, other liquid motor fuels or substitutes therefor whether such distributor, wholesaler, refiner, broker, retail dealer, seller, receiver or storer is a person, corporation, co-partnership, agency, company, association, county or counties, municipalities and other political sub-divisions and instrumentalities of the State for purposes or uses, after deduction of cost of collection and administration, other than the following: construction, improvement and/or maintenance of public roads, streets, highways and bridges and retirement of indebtednesses and interest thereon occurred in such construction, improvement and/or maintenance of such public roads, streets, highways and bridges by the State and any or all of the several counties and municipalities and other political subdivisions or instrumentalities thereof. Such amendment shall not apply to any use of such taxes, licenses or funds for the retirement of indebtednesses and interest thereon occurred in uses other than for the construction, improvement and/or maintenance of such public roads, streets highways and bridges allowed by any law or laws in existence and effect prior to the adoption of this amendment.

Were ordered printed for the use of the Senate.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the eighth Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the eighth Legislative day approved by the Senate.

ADJOURNMENT

At 4:45 P. M., on motion of Mr. Mooneyham and in accordance with Joint Resolution heretofore adopted the Senate adjourned until Friday, December 18, at 10 o'clock A. M.

NINTH DAY

Friday, December 18, 1936.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The Session was opened with prayer by H. G. Earnest, Door-keeper of the Senate.

ROLL CALL

Present:

Messrs.:			
Bonner	Kuykendall	Riddle	Taylor
Browder	Locke	Rogers	Thomas
Carlton	Mixon	Russell	Tucker
Chesnut	Mooneyham	St. John	Walden
Cook	McConnell	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Frazer	Parrish	Stoddard	Wellborn
Goldsmith	Richardson	Swift	Woodall
Kelly			

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JOURNAL

On motion of Mr. Rogers the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Richardson, leave of absence was granted Mr. Simpson for today.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House joint resolution, your signature thereto is requested:

H. J. R. 17. Relative to urging Congress to levy import tariff on jute as protection for American grown cotton.

E. F. Taylor,
Clerk.

SIGNING OF RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Resolution, the title of which is set out in the foregoing message from the House.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Kelly:

S. 73. To repeal an Act entitled, "An Act to regulate the sale, transfer and possession of certain types of firearms; to provide for the licensing of dealers and owners of such firearms; to fix rules of evidence in the Courts of this State in prosecutions for violations of this Act; to prescribe penalties for the violations of any provision herein and to make uniform the law with reference thereto." Approved April 6, 1936.

Committee on Military.

By Mr. Kelly:

S. 74. To amend Sections 2, 4, 6 and 8 of an Act entitled "An Act to provide for the public safety; to regulate the operation of motor vehicles on the public highways; to provide for the registration and licensing of drivers or operators of motor vehicles and to fix the fees therefor. To authorize the State Highway Commission, with the approval of the Governor, to establish and promulgate reasonable rules and regulations concerning the operation of motor vehicles; to provide punishment and penalties for the violation of the provisions of this act and of the rules and regulations authorized hereby; to provide for the suspension and revocation of drivers' licenses issued; to authorize the appointment or employment of the necessary officers and agents, and the purchase of the necessary equipment to make the provisions hereof effective; and to provide for the compensation of the officers and agents so employed", approved September 2, 1935.

Committee on Public Roads & Highways.

By Mr. Mooneyham:

S. 75. To amend schedule 22 of Section 348, Article XIII, Chapter 1, of an Act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

Committee on Finance & Taxation.

By Mr. Mooneyham:

S. 76. To amend Schedules 156 and 156.1 of Section 348, in Chapter 4 of Article XIII, of an Act of the Legislature of Alabama entitled "An Act To Provide For The General Revenue Of The State of Alabama," approved July 10, 1935; and to repeal laws and parts of laws in conflict with the provisions hereof.

Committee on Finance & Taxation.

REPORTS OF COMMITTEES

Mr. Russell, Chairman of the Standing Committee on Finance & Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Robertson (with amendment):

H. 39. To authorize the Governor to purchase copies of "Simon's Compilation of Alabama Revenue Laws" to be paid for out of the departmental funds of the departments affected.

By Mr. Connor (with amendment):

H. 21. To amend Schedule 158.1 of Chapter 6, Article 13, of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

By Mr. Carlton:

S. 70. To provide for the construction and operation of a passenger elevator in the State Capitol of Alabama, and to make an appropriation therefor.

By Mr. Chichester:

H. 70. To amend Schedule 154 of Article XIII, Chapter 1 of Section 348 of an Act approved July 10, 1935, entitled "An Act to provide for the general revenue of the State of Alabama."

BILLS INDEFINITELY POSTPONED

On motion of Mr. Richardson, further consideration of the bills:

S. 39. To abolish the office of County Treasurer of Madison County, Alabama; to authorize the Board of County Commissioners for said county to name a bank or banks of said county as county depository or depositories; to provide for the selection of such depository or depositories, and the security furnished by them, and their duties and compensation.

S. 40. To amend Section 15 of an Act entitled an Act "To establish in Precinct One in Madison County, Alabama, an Inferior

Court in lieu of all Justices of the Peace and Notaries Public with the powers of a Justice of the Peace in the said Precinct, to be known as the Inferior Court of Huntsville, to define the jurisdiction and powers of said Court and the Judge thereof." Approved April 4, 1911, as amended by an Act of the Legislature approved March 2, 1931.

Was indefinitely postponed by the Senate.

On motion of Mr. Riddle, further consideration of the bill:

S. 41. To authorize the County of Talladega, in the State of Alabama, to acquire by purchase or otherwise, maintain and operate a hospital and home for aged and infirm persons, and make expenditures for the acquisition, maintenance and operation of same and to validate expenditures already made in connection with same.

Was indefinitely postponed by the Senate.

BILLS ON THIRD READING

The bill:

H. 90. To amend Section 15 of an Act entitled an Act "To establish in Precinct One in Madison County, Alabama, an Inferior Court in lieu of all Justices of the Peace and Notaries Public with the powers of a Justice of the Peace in the said Precinct, to be known as the Inferior Court of Huntsville, to define the jurisdiction and powers of said Court and the Judge thereof." Approved April 4, 1911, as amended by an Act of the Legislature approved March 2, 1931.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Rogers	Thomas
Carlton	Mixon	Russell	Tucker
Cook	McConnell	St. John	Walden
Dorsey	McDowell	Stoddard	Walton
Frazer	Parrish	Swift	Weaver
Goldsmith	Richardson	Taylor	Woodall
Kelly	Riddle		

Nays:—None.

The bill:

H. 91. To abolish the office of county Treasurer of Madison County, Alabama; to authorize the Board of County Commissioners for said County to name a bank or banks of said County as County depository or depositories; to provide for the selection of

such depository or depositories, and the security furnished by them, and their duties and compensation.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Rogers	Thomas
Carlton	Mixon	Russell	Tucker
Cook	McConnell	St. John	Walden
Dorsey	McDowell	Stoddard	Walton
Frazer	Parrish	Swift	Weaver
Goldsmith	Richardson	Taylor	Woodall
Kelly	Riddle		

—26

Nays:—None.

The bill:

H. 99. To authorize the County of Talladega, in the State of Alabama, to acquire by purchase or otherwise, maintain and operate a hospital and home for aged and infirm persons, and make expenditures for the acquisition, maintenance and operation of same and to validate expenditures already made in connection with same.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers	Tucker
Browder	Locke	Russell	Walden
Carlton	Mixon	Starnes	Walton
Chesnut	Mooneyham	Stoddard	Weaver
Cook	McDowell	Swift	Wellborn
Dorsey	Richardson	Taylor	Woodall
Kelly	Riddle		

—26

Nays:—None.

The bill:

H. 76. To amend Section One (1) of "An Act to reduce and fix the compensation of the Judge of the Inferior Criminal Court in Mobile County and to fix the time when said act shall go into effect."

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Chesnut	Kelly	Mooneyham
Browder	Frazer	Kuykendall	McConnell
Carlton	Goldsmith	Mixon	Parrish

Richardson	Starnes	Tucker	Weaver
Rogers	Stephens	Walden	Wellborn
Russell	Stoddard	Walton	Woodall
St. John	Taylor		

—26

Nays:—None.

The bill:

H. 14. To define, regulate and license barbers and barber colleges, and other like businesses in Covington County, State of Alabama; and create a Barbers' Commission for said county; and to provide a penalty for the violation of the provisions hereof, and to fix the powers and duties of said Commission.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Russell	Tucker
Carlton	Mooneyham	Starnes	Walden
Cook	McConnell	Stephens	Walton
Dorsey	McDowell	Stoddard	Weaver
Goldsmith	Parrish	Swift	Wellborn
Kelly	Richardson	Taylor	Woodall
Kuykendall	Rogers		

—26

Nays:—None.

The bill:

S. 58. To provide a fund for the support of a law library for the Circuit Court of Calhoun County, Alabama, without appropriation from the State or County Treasury by the assessment and collection of court cost in all suits, actions and proceedings hereafter filed or brought to said court, and provide for the regulation and control of said fund.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Mooneyham	Starnes	Tucker
Browder	McConnell	Stephens	Walden
Carlton	McDowell	Stoddard	Walton
Cook	Parrish	Swift	Weaver
Goldsmith	Richardson	Taylor	Wellborn
Kelly	Rogers	Thomas	Woodall
Locke	Russell		

—26

Nays:—None.

The bill:

S. 62. To amend Section 7 of Act entitled, "An Act creating and establishing Juvenile Courts in all counties in the State of Alabama now having or which shall hereafter have a population according to the last federal census of not less than 95,000 and not more than 175,000, defining their powers and jurisdictions and providing for the process and procedure of said courts; for the equipment of said courts, for the Judge and officers of the courts; their term of office and their salaries, and defining their duties and the payment by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties of all premiums that may accrue on account of the bond of the Clerk thereof; for the transportation of Probation Officers, for the service of process, including warrants and the fees thereof and the payment of said fees; for the detention of juvenile delinquents and dependents and neglected children, providing for a commission to aid in carrying out the work of the courts and prescribing its duties, and providing for appeals from any order or judgment of said courts; making it an offense for any person knowingly and wilfully to encourage, aid, abet, cause a state of delinquency or dependency of any child under sixteen years of age, or produce, promote or contribute to the conditions which render any child delinquent or dependent and providing punishment therefor; providing for the transfer of certain cases to said Juvenile Courts; providing for the apprehension of such children and persons and the commitment of children to any family, association or institution; for the transportation of such children and the payment of cost by said counties; providing for the commitment of Juvenile delinquents and dependents to any family, association or institution within the State to which they may be respectively committed and providing for the payment of the cost thereof by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties, providing for the payment by the cities or towns in which said courts are established of one-half of the expenses arising out of the operation of said Courts, and for the protection of said children against disqualification or prejudice in other courts in the Civil Service of the State or municipality on account of any judgment or order of said court or any confession, statement, declaration or admission or silence or demeanor of said juveniles, and provide for the repeal of certain laws," approved September 9, 1927, as amended by an Act approved April 21, 1931, so as, among other things, to make the Act applicable to all counties in the State of Alabama, then having or which should thereafter have a population according to the last Federal census of not less than 100,000 nor more than 175,000, and as further amended by an Act approved April 17, 1933, and as further amended by Act approved September 15, 1935.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Richardson	Stephens
Browder	Locke	Riddle	Taylor
Carlton	Mixon	Rogers	Thomas
Chesnut	Mooneyham	Russell	Tucker
Dorsey	McConnell	St. John	Walton
Goldsmith	McDowell	Starnes	Weaver
Kelly	Parrish		

—26

Nays:—None.

The bill:

S. 65. To amend an Act, entitled "An Act, To abolish the office of deputy solicitor of Walker County, Alabama and to create in lieu thereof the office of County Solicitor of Walker County, Alabama, to provide for the appointment and the election of such officer by the qualified voters of said Walker County, to prescribe his powers, duties and qualifications and to provide for his compensation and the way in which same is to be paid, to fix the term of his office, to provide for the election of his successor in office and to fix the time he shall take office and to repeal all general and local laws in conflict herewith in so far as they relate to said Walker County, Alabama, approved May 23, 1931".

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Locke	Russell	Tucker
Chesnut	Mixon	St. John	Walden
Cook	McConnell	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Goldsmith	Parrish	Stoddard	Wellborn
Kelly	Riddle	Swift	Woodall
Kuykendall	Rogers		

—26

Nays:—None.

The bill:

H. 81. To ratify and confirm the special city school district tax election on January 28, 1936, in the City of Eufaula, Barbour County, Alabama.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

*Yeas:**Messrs.:*

Bonner	Kuykendall	Riddle	Swift
Browder	Locke	Rogers	Thomas
Carlton	Mixon	St. John	Tucker
Chesnut	Mooneyham	Starnes	Walton
Cook	McConnell	Stephens	Wellborn
Goldsmith	McDowell	Stoddard	Woodall
Kelly	Richardson		

—26

Nays:—None.

The bill:

H. 95. For the relief of Matt A. Boykin, Judge of the Probate Court of Mobile County, and to reimburse the said Matt A. Boykin, as such Probate Judge, out of funds of the Mobile County Treasury for necessary extra help hired and paid for by him during the months of September, October, November and December of 1935 and for the months of January, February, March, April, May and June of 1936, for which said extra help no provision nor allowance were provided by law.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

*Yeas:**Messrs.:*

Bonner	Kelly	Riddle	Taylor
Browder	Locke	Rogers	Thomas
Carlton	Mixon	St. John	Walton
Chesnut	Mooneyham	Stephens	Weaver
Cook	McConnell	Stoddard	Wellborn
Dorsey	Parrish	Swift	Woodall
Frazer	Richardson		

—26

Nays:—None.

The bill:

S. 69. To authorize Dallas County, through its Court of County Revenues, or other governing body, to build, rent lease, contract for the use of, or, acquire in any manner it may choose, and under any contract that it may deem advisable, a jail for the use of said County, whether with or in conjunction with the City of Selma, or otherwise, and to ratify any contract which may have heretofore been made.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

*Yeas:**Messrs.:*

Bonner	Carlton	Cook	Kelly
Browder	Chesnut	Goldsmith	Kuykendall

Mixon	Russell	Swift	Walton
Mooneyham	St. John	Taylor	Weaver
McDowell	Starnes	Thomas	Wellborn
Richardson	Stephens	Tucker	Woodall
Riddle	Stoddard		

—26

Nays:—None.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama,
Montgomery, Alabama
Gentlemen:

I herewith transmit message from the Governor relative to the election by the Board of trustees of the University of Alabama.

Respectfully submitted,
PITT TYSON MANER,
Secretary to the Governor.

December 18, 1936.

To the Senate of Alabama,
Montgomery, Alabama,
Gentlemen:

Since your last meeting, it has been certified to me that the following trustees of the University of Alabama have been elected by the Board and I therefore, as Governor, hereby transmit for your consideration the following:

Second District, Robert E. Steiner, Jr., Montgomery, Alabama, term expiring 1947

Fifth District, Louis L. Herzeberg, Gadsden, Alabama, term expiring 1947

Seventh District, J. H. Bankhead, Jasper, Alabama, term expiring 1947

Ninth District, Hill Ferguson, Birmingham, Alabama, term expiring 1947

This all appears from the certificate of the State Superintendent of Education, as is required by law.

Respectfully Submitted,
BIBB GRAVES,
Governor.

December 18, 1936.
Certificate attached.

STATE OF ALABAMA DEPARTMENT OF EDUCATION

Montgomery

December
Fifteen
1936

To the Senate of the State of Alabama:

In accordance with the attached letter of Robison Brown, Secretary of the Board of Trustees of the University of Alabama, and in pursuance of the provisions of Section 264 of the Constitution of Alabama, I, J. A. Keller, as State Superintendent of Education, hereby certify for confirmation by your honorable body the following names of persons elected by the Board of Trustees of the University of Alabama on October 10, 1936, as member of said Board to serve for the terms indicated, namely:

Name	Address	District	Term Expiring
Robert E. Steiner, Jr.,	Montgomery	Second	1947
Louis L. Herzeberg	Gadsden	Fifth	1947
J. H. Bankhead	Jasper	Seventh	1947
Hill Ferguson	Birmingham	Ninth	1947

Done this 16th day of December, 1936.

J. A. KELLER,
State Superintendent of Education.

JAK/ab
Enclosure:

GOVERNOR'S MESSAGE

The Trustees of the University of Alabama, contained in the Message from His Excellency, the Governor, were confirmed by the Senate.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Russell	Thomas
Browder	McConnell	St. John	Tucker
Carlton	McDowell	Starnes	Walden
Chesnut	Parrish	Stephens	Walton
Cook	Richardson	Stoddard	Weaver
Dorsey	Riddle	Taylor	Woodall
Kuykendall	Rogers		

—26

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following:

By Rules Committee:

H. J. R. 18. Be it resolved by the House, the Senate concurring, that when the two Houses adjourn today they adjourn to meet again Tuesday, January 5, 1937, at 11 o'clock A. M.

Be it further resolved, that members of the Legislature shall be paid their per diem during this recess, but shall not be allowed mileage.

Be it further resolved, that the offices of the Clerk of the House and Secretary of the Senate shall be kept open during the recess and that all legislative employees shall be paid their per diem during the recess.

And send same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

Mr. Swift offered the following amendment to the resolution, H. J. R. 18 to-wit:

Amend the second paragraph to read as follows:

"Be it further resolved that members of the legislature shall not be paid their per diem during this recess, but shall be allowed mileage."

Which was adopted.

Yeas, 30; Nays, 1.

Yeas:

Messrs.:

Bonner	Locke	Russell	Thomas
Browder	Mooneyham	St. John	Tucker
Carlton	McConnell	Starnes	Walden
Chesnut	McDowell	Stephens	Walton
Dorsey	Parrish	Stoddard	Weaver
Frazer	Richardson	Swift	Wellborn
Kelly	Riddle	Taylor	Woodall
Kuykendall	Rogers		

—30

Nay: Mr. Goldsmith.

—1

The Senate then concurred in and adopted the resolution as amended.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Miller:

H. 97. To amend Section 992 of the Code of Alabama of 1923, as amended by an Act approved February 5, 1935, and September 13th, 1935, so as to read as follows:

Also:

By Mr. Hill:

H. 103. To provide assistance to needy blind persons; to define who is eligible for such assistance; to authorize the State Department of Public Welfare to administer such assistance; to authorize the County Departments of Public Welfare to administer such assistance under the supervision of the State Department of Public Welfare in the several counties; to provide that county boards of revenue or courts of county commissioners or other governing bodies of the counties shall appropriate funds for assistance to needy blind persons; to provide for the allocation of funds to the counties by the State Department for the purposes of this Act;

to define offenses against this Act and to fix punishments for such offenses; to provide for cooperation with the government of the United States and its agencies in caring for the needy blind; and to repeal all laws in conflict herewith.

Also:

By Mr. Denson:

H. 89. To provide for the granting of a free scholarship in certain schools of the State of Alabama, to the value of one hundred dollars each year, upon the donation to the State by the American Legion or the American Legion Auxiliary of the State of Alabama of the sum of twelve hundred and fifty dollars for the securing of each such scholarship.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read one time at length and referred to appropriate standing committees as follows:

H. 97—To the Committee on Forestry and Conservation.

H. 103—To the Committee on Public Health.

H. 89—To the Committee on Education.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Chichester:

H. 60. To permit the playing and operating of moving picture shows on Sunday, whether admission is charged thereto or not, in all incorporated cities or towns in Counties having a population of one hundred and fifty thousand or more inhabitants according to the last or any subsequent Federal Census, and within the police jurisdiction thereof; to provide that the governing body of any such city may, by ordinance prohibit any or all of the acts herein named.

Also:

By Mr. Douglass:

H. 160. To amend Section 2 of an Act "To further prescribe the duties of County Treasurers in Counties of more than two hundred thousand population according to the last or any subsequent preceding Federal Census; to provide for clerical assistance for such treasurers for the employment of attorneys to advise and represent such treasurers, and for the compensation of such treasurer, assistants, and attorney; and to require the deposit of county funds," approved October 31, 1921.

Also:

By Mr. Connor:

H. 131. To create in each city of the State of Alabama having a population of one hundred thousand or more according to the last or any subsequent Federal census a Pension and Relief Fund for all employees of such city governed under civil service rules and regulations and for certain other officers and employees of such city who may elect to come under the provisions of this act, and for the widows of such officers and employees, to provide for a custodian of said Fund and to provide for the investment, protection, management and distribution of said Fund by a Board of Managers.

Also:

By Mr. Petrey:

H. 122. To authorize and empower the County Board of Education of Crenshaw County, Alabama, to purchase necessary office equipment, supplies, stationery, postage and any necessities for the office of said County School Board of Education of Crenshaw County, and to pay for same out of the School Funds of Crenshaw County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL

Notice is hereby given that, at the Special Session of the Legislature of Alabama, convening Nov. 23rd, 1936, there will be a bill introduced permitting the County Board of Education to purchase stationery, supplies necessary in connection with the operation of the Crenshaw County School Board.

STATE OF ALABAMA, }
CRENSHAW COUNTY. }

Before the undersigned Notary Public personally came J. M. McLendon, who being duly sworn says upon oath that he is Associate Publisher of a newspaper published at Luverne, Crenshaw County, Alabama, known as The Luverne Journal & News, and that the notice of publication, a true copy of

which is hereto annexed, and being entitled: A Bill, was published in said newspaper, once a week for 4 consecutive weeks, to-wit in the issues of said newspaper dated: Nov. 18, Nov. 25, Dec. 2, Dec. 9, 1936.

J. M. McLENDON.

Sworn and subscribed to before me this 14th day of Dec., 1936.

J. W. REYNOLDS.

Notary Public, Clerk Circuit Court.

My Commission expires January 1941.

Also:

Messrs. Hamner, Quarles and Hare:

H. 125. To authorize Dallas County, through its Court of County Revenues, or other governing body, to build, rent lease, contract for the use of, or, acquire in any manner it may choose, and under any contract that it may deem advisable, a jail for the use of said County, whether with or in conjunction with the City of Selma, or otherwise, and to ratify any contract which may have heretofore been made.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that a bill substantially as follows will be introduced and offered for passage at the next special session of the Legislature of Alabama:

A BILL

To be entitled an Act to authorize Dallas County, through its Court of County Revenues, or other governing body, to build, rent lease, contract for the use of, or, acquire in any manner it may choose, and under any contract that it may deem advisable, a jail for the use of said County, whether with or in conjunction with the City of Selma, or otherwise, and to ratify any contract which may have heretofore been made.

Section 1. Be it enacted by the Legislature of Alabama, that Dallas County is authorized and empowered, by and through its Court of County Revenues, or other governing body, to build, rent lease, contract for the use of, or, acquire in any manner it may choose, and under any contract it may deem advisable, a jail for the use of Dallas County.

Section 2. Be it further enacted that any contract which said County may make under the provisions of Section 1, hereof, may be made with the City of Selma for the joint use of a building or buildings under such terms and conditions as the parties may deem equitable and right.

Section 3. Be it further enacted that any contract entered into by the County shall be authorized and ratified by the Court of County Revenues in a regular or special session of said Court.

Section 4. Be it further enacted, that any contract or exercise of authority which may have been made within the scope of the provisions of this Act by said County of Dallas, is hereby ratified and fully confirmed.

Section 5. Be it further enacted, that all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

L. P. BURNS,
Mayor of Selma.
W. M. VAUGHN,
Probate Judge.

THE STATE OF ALABAMA, }
THE COUNTY OF DALLAS. }

Before me, Minnie E. Galt, a Notary Public in and for said State and County, personally appeared F. T. Raiford who is known to me, and who being by me first duly sworn, declares:

That he is Publisher of The Selma Times-Journal, a newspaper published in Selma, Dallas County, Alabama six days in the week, and that the attached legal notice appeared in the Selma Times-Journal on November 16-23-30, December 7, 1936.

F. T. RAIFORD,
Publisher, The Selma Times-Journal.

Sworn to and subscribed before me this 14th day of December, 1936.
(Seal) MINNIE E. GALT,
Notary Public, Dallas County, Alabama.

Also:

By Mr. Petrey:

H. 124. For the relief of W. A. Lowman, Superintendent of Education of Crenshaw County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that at the Special Session of the Legislature of Alabama, convening Nov. 23rd, 1936, there will be a bill introduced to relieve the County Superintendent from the responsibility of paying \$600.00 which was expended as a general expense incident to his office.

STATE OF ALABAMA, }
CRENSHAW COUNTY. }

Before the undersigned Notary Public personally came J. M. McLendon, who being duly sworn says upon oath that he is Associate Publisher of a newspaper published at Luverne, Crenshaw County, Alabama, known as The Luverne Journal & News, and that the notice of publication, a true copy of which is hereto annexed, and being entitled: A Bill, was published in said newspaper, once a week for 4 consecutive weeks, to-wit in the issues of said newspaper dated: Nov. 18, Nov. 25, Dec. 2, Dec. 9, 1936.

J. M. McLENDON.

Sworn and subscribed to before me this 14th day of Dec., 1936.

J. W. REYNOLDS,
Notary Public, Clerk Circuit Court.
My Commission expires January, 1941.

Also:

By Mr. DeVane:

H. 153. To authorize the payment of the members of the Court of County Commissioners of Choctaw County, Alabama, the sum

of \$75.00 per month each out of the Excise Gasoline Tax Fund of the County for supervising the building and or maintaining public roads and or bridges in the county.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that the following bill will be introduced and sought to be passed at the extra session of the Legislature of Alabama to be convened in November, 1936, to-wit:

A BILL TO BE ENTITLED AN ACT

To authorize the payment of the members of the Court of County Commissioners of Choctaw County, Alabama, the sum of \$75.00 per month each out of the Excise Gasoline Tax Fund of the County for supervising the building, repairing and or maintaining public roads and or bridges in the county.

Be it enacted by the Legislature of Alabama:

Section 1. The Court of County Commissioners of Choctaw County, Alabama, be, and said Court is, hereby authorized and empowered to pay the members of said Court the sum of \$75.00 each per month out of the Excise Gasoline Tax Fund of the County for supervising the building, repairing or maintaining public road or bridges in the county.

Section 2. Nothing herein shall prevent the Court of County Commissioners of Choctaw County, Ala., from paying the members of said Court the remainder of their salaries, as provided by the Local Acts of 1927, out of the General Fund of Choctaw County, Alabama.

Section 3. The members of the Court of County Commissioners of Choctaw County shall make a separate claim for the \$75.00 each per month against the Special Excise Gasoline Tax Fund for supervising road and bridge work as stated in Section 1 hereof, and shall submit the same to said Court separate claim for services otherwise performed for the county.

Section 4. All laws and parts of laws, general, special and local in conflict with the provisions of this Act be, and the same are, hereby repealed.

Section 5. This act shall take effect immediately upon its passage and approval by the Governor.

STATE OF ALABAMA, }
CHOCTAW COUNTY. }

I, Matt L. Blount, Editor and Publisher of The Choctaw Advocate, a newspaper published weekly in the Town of Butler, in said County, do hereby certify that the notice, the copy of which is hereto attached, was published for four consecutive weeks in said newspaper, beginning on the 19th day of November, 1936, and continuing through the 26th day of November, 1936, and the 3rd day of December, 1936, and ending on the 10th day of December, 1936.

Witness my hand this the 11th day of December, 1936.

MATT L. BLOUNT,
Editor and Publisher of The Choctaw Advocate.

Sworn to and subscribed before me this 11th day of December, 1936.
(Seal)

W. H. LINDSEY,
Judge of Probate.

Also:

By Mr. Street:

H. 150. To require the Board of Revenue of Tallapoosa County, Alabama, or other like governing Board of said County, to pay for the publication of the notice of each and every local bill heretofore introduced at the present session of the Legislature of Alabama, or which may hereafter be introduced at the present session or any subsequent session of the Legislature of Alabama, for or which applies alone to the said County of Tallapoosa and out of any money in the Treasury of said County not otherwise appropriated; provided the notice so published is signed by one or both of the Representatives of the said County or by the State Senator from the tenth Senatorial District.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

To require the Board of Revenue of Tallapoosa County, Alabama, or other like governing Board of said County, to pay for the publication of the notice of each and every local bill heretofore introduced at the present session of the Legislature of Alabama, or which may hereafter be introduced at the present session or any subsequent session of the Legislature of Alabama, for or which applies alone to the said County of Tallapoosa and out of any money in the Treasury of said County not otherwise appropriated; provided the notice so published is signed by one or both of the Representatives of the said County or by the State Senator from the tenth Senatorial District.

Be it enacted by the Legislature of Alabama:

Section 1. That the Board of Revenue of Tallapoosa County, Alabama, or other like governing Board of said County, is hereby required to pay for the publication of the notice of each and every local bill heretofore introduced at the present session of the Legislature of Alabama, or which may hereafter be introduced at said Session or any subsequent session of the Legislature of Alabama, for or which applies alone to the said County of Tallapoosa, and out of any money in the Treasury of said County not otherwise appropriated; provided, the notice so published is signed by one or both of the Representatives of said County or by the State Senator from the tenth Senatorial District.

Section 2. All laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Section 3. This Act shall take effect and become a law immediately upon its passage and approval by the Governor.

T. H. STREET,
Representative.

STATE OF ALABAMA,
TALLAPOOSA COUNTY.

Before me a Notary Public in and for said State and County, appeared E. C. Hall, who being first duly sworn, deposes and says that he is the Edi-

tor of The Alexander City Outlook, a newspaper published in said State and County, and that the attached notice appeared in four consecutive issues of said newspaper, on to-wit: November 5, 12, 19 and 26, 1936, and that same is a true copy.

(Seal)

E. C. HALL,
Editor The Alexander City Outlook.
J. S. WINN,
Notary Public.

Also:

By Mr. Petrey:

H. 123. To authorize and empower the County School Board of Crenshaw County, Alabama, to allow and pay to the County Superintendent of Education a reasonable expense account used in connection with his office.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that, at the Special Session of the Legislature of Alabama, convening on Nov. 23rd 1936, there will be introduced a bill to provide for a reasonable expense account in connection with the office of the Supt. of Education, which shall be approved by the County Board of Education.

STATE OF ALABAMA, }
CRENSHAW COUNTY. }

Before the undersigned Notary Public personally came J. M. McLendon, who being duly sworn says upon oath that he is Associate Publisher of a newspaper published at Luverne, Crenshaw County, Alabama, known as The Luverne Journal & News, and that the notice of publication, a true copy of which is hereto annexed, and being entitled: A Bill, was published in said newspaper, once a week for 4 consecutive weeks, to-wit in the issues of said newspaper dated: Nov. 18, Nov. 25, Dec. 2, Dec. 9, 1936.

J. M. McLENDON.

Sworn and subscribed to before me this 14th day of Dec., 1936.

J. W. REYNOLDS,
Notary Public, Clerk Circuit Court.
My Commission expires January, 1941.

Also:

By Mr. Goodwyn:

H. 147. To amend the Act entitled "An Act to provide for the consolidation of the administration and control of the public school systems in any county of not less than seventy-five thousand nor more than one hundred thousand population according to the last or any succeeding Federal Census; to establish a Board of Education, in lieu of all other city and county Boards of Education in such counties, and provide for the manner of its selection and to define its authority," approved September 6, 1927, so as to confer additional authority for the issue of refunding warrants.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given of the intention to apply for the passage of the following local law.

AN ACT

To Amend the Act entitled "An Act to provide for the consolidation of the administration and control of the public school systems in any county of not less than seventy-five thousand nor more than one hundred thousand population according to the last or any succeeding Federal Census; to establish a Board of Education, in lieu of all other city and county Boards of Education in such counties, and provide for the manner of its selection and to define its authority," approved September 6, 1927, so as to confer additional authority for the issue of refunding warrants.

Be it enacted by the Legislature of Alabama:

Section 1. The Act entitled "An Act to provide for the consolidation of the administration and control of the public school systems in any county of not less than seventy-five thousand nor more than one hundred thousand population according to the last or any succeeding Federal Census; to establish a Board of Education, in lieu of all other city and county Boards of Education in such counties, and provide for the manner of its selection and to define its authority," approved September 6, 1927, as heretofore amended is hereby further amended by adding thereto the following sections:

Section 8. In any such county in which a special county tax shall have been voted under the Constitution for such purpose or for school purposes generally, the Board of Education created by this Act, in addition to all other authority conferred upon it, with the approval of the State Superintendent of Education may issue refunding warrants for the purpose of paying any valid warrants issued before the enactment of this section, whether or not such outstanding warrants constitute a preferred claim against the said tax. The proceedings authorizing such refunding warrants shall identify the warrants being refunded, but no purchaser or holder of any such refunding warrant shall thereby be put upon inquiry or charged with notice of the non-existence or invalidity of such outstanding warrants and the validity of such refunding warrants shall not be affected thereby. Refunding warrants shall never be issued hereunder to an amount of principal and interest maturing in any year which, when added to the amount of principal and interest of all warrants then outstanding and constituting preferred claims against the said tax and maturing in said year, would exceed the annual proceeds of the said tax computed upon the basis of the last assessed valuation of the county on which taxes were due and collected as certified by the county tax assessor.

Section 9. All refunding warrants issued hereunder shall be payable solely from the proceeds of the said tax, but this shall not prohibit their payment from any other funds which may be available therefor under any other provision of law, provided, however, that in no event shall such refunding warrants be payable from such other funds if the effect thereof would be to subject such refunding warrants to any constitutional debt limit or to any constitutional requirement that they be authorized by vote of the qualified voters. All refunding warrants issued hereunder shall be preferred claims against the said tax as herein provided. All valid pledges of the said tax made before the enactment of this section, whether made to secure warrants

or otherwise, shall remain valid and effective, and successive pledges so made of the same tax shall remain entitled as between each other to preference in the order in which they were made. All refunding warrants issued hereunder shall be secured by a single pledge of the entire net proceeds of the said tax, subject only to any valid pledge made before the enactment of this section, and as between each other shall be of equal rank and without preference whether based upon the date of issue or otherwise, but this shall not prevent the payment in full from the proceeds of the said tax of the principal or interest of all such warrants as the same become due, regardless of the fact that other such warrants may then be outstanding with principal and interest falling due in the future. All refunding warrants issued hereunder, as well as all valid pledges of the said tax made before the enactment of this section, shall have preference over claims for salaries or other operating expenses or any other purpose. In each fiscal year the proceeds of the said tax shall be deposited as soon as received by the custodian of school funds in a bank or banks approved for that purpose by the state superintendent of education upon the advice of the state superintendent of banks in a separate account to an amount sufficient for the payment of all claims secured by a valid pledge of the said tax made before the enactment of this section and due in that fiscal year and thereafter such proceeds shall be so deposited in another separate account to an amount sufficient for the payment of the principal and interest of all refunding warrants issued hereunder due in that fiscal year or due in any prior year and remaining unpaid, with 6 per cent interest on such overdue payments. After such amount has been so deposited, the balance of the proceeds of the said tax may be used for any proper purpose without regard to the said pledges or refunding warrants, but such separate accounts shall be held as a trust fund for the payment of the respective claims for which they were established and shall be applied to no other purpose until all such claims are satisfied.

Section 10. Before issuing any refunding warrants hereunder, the Board of Education shall cause an application for approval of such issue to be filed with the State Superintendent of Education. Such application shall be in such form and shall contain such information as the State Superintendent of Education may prescribe, and he may require such further information as may be necessary relating to the proposed refunding warrants or other financial or educational matters under the control of such Board of Education. The written approval of the State Superintendent of Education of the amount of refunding warrants hereunder shall be a sufficient approval of the issue but he may at his discretion approve any of the terms and provisions of the refunding warrants which in such event shall not be issued otherwise. The written approval of the State Superintendent of Education of the issue of any refunding warrants hereunder shall be a conclusive determination in favor of the validity of such refunding warrants that all of the requirements of this act have been complied with and that the indebtedness being refunded is such as may properly be so refunded.

Section 11. All refunding warrants issued hereunder shall be made payable in substantially equal annual installments of principal and interest beginning in the next fiscal year after their date, provided that if other warrants issued hereunder or under any other law shall be then outstanding constituting a preferred claim against the same tax, all or any part of the maturities of such outstanding warrants may be taken together with the maturities of a new refunding warrants to provide substantially equal installments of principal and interest in each fiscal year thereafter, and provided further that this requirement shall be directory only and shall not affect the validity of any refunding warrants issued hereunder. In no event shall any refunding warrant issued hereunder be payable later than September 30 of the last fiscal year for which the special tax from which the refunding warrant is payable shall have been voted.

Section 12. All or any part of an issue of refunding warrants which has been authorized hereunder by the Board of Education and approved by the State Superintendent of Education may without advertisement be exchanged for a like amount of the warrants being refunded, or may be sold in the manner provided by Sections 8 and 9 of No. 94 of the Acts of 1936 approved April 6, 1936, provided the amount of refunding warrants so sold at any one time shall not exceed the amount of the warrants being refunded which matures within the six months following such sale. If part of an authorized issue is so exchanged or sold, the particular warrants delivered may be selected by the Board of Education or by any officer authorized by said Board and the maturities of the refunding warrants at any time outstanding need not satisfy the requirements of this act as to equal annual installments of principal and interest. All or any part of such authorized issue of refunding warrants may be delivered in escrow to any bank designated by the Board of Education to be held until delivered pursuant to a sale or exchange authorized by said Board, and the Board of Education may pay such bank for its services as such escrow agent. The Board of Education may also employ any banks, bankers or other persons to assist in making the arrangements relating to the issue of refunding warrants hereunder and the sale or exchange thereof and may pay them for such services and any contract relating to such services heretofore made is hereby validated.

Section 13. Sections 5, 6, 7, 11, 12, 13, 14, 15, 16 and 17 of No. 94 of the Acts of 1936 approved April 6, 1936, shall apply to refunding warrants issued hereunder.

Section 14. The authority conferred hereby shall be an additional and alternative authority for the issue of refunding warrants and is not in substitution for any other authority for the issue of warrants, but the Board of Education may proceed either under the authority conferred hereby or under any such other authority.

Section 15. All outstanding warrants issued by the Board of Education created by this Act or by any county board of education or city board of education to whose powers such Board of Education has succeeded, whether or not purporting to be a preferred claim against the proceeds of any special county or city school tax, and all elections heretofore held in such counties or cities for the purpose of authorizing a special county or city school tax are hereby validated and confirmed.

Section 16. If any part of this Act shall be unconstitutional the rest shall stand.

Section 17. The Act entitled "An Act to provide for the consolidation of the administration and control of the public school systems in any county of not less than seventy-five thousand nor more than one hundred thousand population according to the last or any succeeding Federal Census; to establish a Board of Education, in lieu of all other city and county Board of Education in such counties, and provide for the manner of its selection and to define its authority," approved September 6, 1927, as heretofore amended and as hereby further amended is hereby reenacted, ratified and confirmed.

Section 2. This act shall take effect and become operative immediately upon its passage and approval by the Governor.

STATE OF ALABAMA, }
MONTGOMERY COUNTY. }

Before me, Margaret S. Jones, a Notary Public in and for said state and county, personally appeared Frank Nunnelle, known to me, who being duly sworn, deposes and says that he is editor and owner of The Montgomery Weekly, a newspaper published in the City and County of Montgomery, State of Alabama; that the subjoined notice of intention to apply for the passage of a local law was published in said The Montgomery Weekly for four consecutive issues, namely, those of November 19, November 26, December 3, and December 10, 1936.

Affiant further states that said The Montgomery Weekly is a newspaper of general circulation in Montgomery County, Alabama, and that said paper has been mailed under the second class mailing privileges of the United States Postal Regulations, for 52 consecutive weeks prior to the publication of said notice.

FRANK NUNNELLE.

Sworn to and subscribed before me, this 14th day of December, 1936.
(Seal) MARGARET S. JONES,
Notary Public.

Also:

By Messrs. Kirby and O'Neal:

H. 151. To repeal an Act that the Legislature of 1927 authorized the County Commissioners Board of Revenue of like governing body of Jackson County, Alabama to levy and collect an excise tax on gasoline, Woco Pep or any substitute thereof not exceeding three cents per gallon, to authorize such, to provide when this Act shall go into effect court of County Commissioners or Board of Revenue or other like governing bodies of said County to provide the machinery for the collection of said tax.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that there will be introduced in the coming special session of the Legislature of Alabama a bill repealing a local bill giving the County Commissioners the authority to levy a three-cent per gallon tax on gasoline.

STATE OF ALABAMA, JACKSON COUNTY.

Before me, a notary public in and for said county and state, personally appeared P. W. Campbell, known to me to be the Publisher of The Jackson County Sentinel, a newspaper published in said county and state, who states on oath that the attached notice of a legislative bill for repealing a local bill of Jackson County per attached notice, was published four consecutive weeks beginning with the issue of October 29, 1936.

P. W. CAMPBELL,
Publisher The Sentinel.

Sworn to and subscribed before me this Dec. 7, 1936.
(Seal)

H. E. JOINER,
Notary Public.

Also:

By Mr. Rayburn:

H. 142. To authorize, empower, and direct the City of Guntersville, Alabama, to sell and convey to the United States of America title to that certain real estate owned by the City of Guntersville, Alabama, and known as the airport property, which is described as follows, to-wit: A tract of land lying in Marshall

County, State of Alabama, on the right side of the Tennessee River, in Township 7 South, Range 3 East, and more particularly described as follows: the southwest quarter of the southwest quarter of Section 25 and the west half of the southeast quarter of the southwest quarter of Section 25. All of the above described land contains 70 acres, more or less; and to authorize, empower, and direct said City of Guntersville, Alabama, to make, enter into, execute, and deliver all contracts, deeds, instruments, and other documents necessary and proper to enable said City of Guntersville, Alabama, to convey satisfactory title to the United States of America; to ratify and confirm all contracts heretofore made and entered into by the said City of Guntersville, Alabama, with the United States of America and/or the Tennessee Valley Authority for the sale of said real estate; and to vacate and annul all rights of the public in and to said land.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that at the next session of the Legislature of Alabama, there will be introduced for enactment a bill in substance as follows:

Be it enacted by the Legislature of the State of Alabama:

Section 1. That the City of Guntersville, Alabama, a municipal corporation, be, and it is hereby authorized, empowered, and directed to sell to the United States of America the real estate owned by said City of Guntersville, Alabama, known as the airport property, and described as follows, to-wit:

A tract of land lying in Marshall County, State of Alabama, on the right side of the Tennessee River, in Township 7 South, Range 3 East, and more particularly described as follows: the southwest quarter of the southwest quarter of Section 25 and the west half of the southeast quarter of the southwest quarter of Section 25. All of the above described land contains 70 acres, more or less.

Section 2. That said City of Guntersville, Alabama, be and it is hereby authorized, empowered, and directed to make, enter into, execute, and deliver all contracts, deeds instruments, and documents necessary and proper to enable said City of Guntersville, Alabama, to convey to the United States of America such title to said real estate as shall be satisfactory to the United States of America. All such contracts, deeds, instruments, and other documents shall be executed in the name of the said City of Guntersville, Alabama, by the Mayor and attested by the Clerk of said city.

Section 3. That all contracts heretofore made and entered into by the City of Guntersville, Alabama, with the United States of America and or the Tennessee Valley Authority for the purchase and sale of said real estate, and all resolutions and ordinances heretofore adopted by the said City of Guntersville, Alabama, in connection with the sale of said real estate, be, and the same are hereby ratified and confirmed.

Section 4. That upon the execution and delivery of the conveyance authorized by Section 2 of this Act, all rights of the public in and to said real estate and airport property shall stand vacated and annulled.

Section 5. This act shall go into effect immediately upon its approval by the Governor.

E. H. COUCH,
Mayor of the City of Guntersville.

STATE OF ALABAMA, }
MARSHALL COUNTY. }

Before me, W. B. Hooper, a Notary Public in and for said County and State, personally appeared Yancey Burke, Publisher of the Guntersville Advertiser and Democrat, a newspaper published in said County, who being duly sworn deposes and says, that the attached notice has been regularly published once a week for four consecutive weeks in said newspaper, beginning on Wednesday, November 18th, 1936, and continuing each Wednesday of each week thereafter for four consecutive weeks, the last publication being on December 9th, 1936.

Y. BURKE,
Publisher.

Sworn to and subscribed before me, this 14 day of Dec., 1936.
(Seal) W. B. HOOPER,
Notary Public.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House Bills in the foregoing House Message were severally read one time at length and referred to appropriate standing committee as follows:

House Bills 60, 160, 131, 122, 125, 124, 153, 150, 123, 147, 151, 142—to the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate Amendment to the following House joint resolution:

By Rules Committee:

H. J. R. 18. Relative to the two Houses adjourning today to meet again January 5, 1937, at 11 o'clock and to pay the members of the House and Senate their per diem and to pay all legislative clerks.

And requests Committee of Conference. The Speaker of the House has appointed as conferees on the part of the House Messrs. Miller, Hamner and Sanderson.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion Mr. Riddle the Senate acceded to the request of the House for a Committee of Conference on the disagreement of the two Houses on the Senate amendment to the resolution, H. J. R. 18, the title of which is set out in the foregoing Message from the House.

And the President and Presiding Officer of the Senate appointed as conferees on part of the Senate Messrs. Starnes, Taylor and St. John.

BILLS ON THIRD READING RESUMED

The Bill:

S. 3. To amend Sections 2, 3, 4, 5, 6, 7, and 8 of an Act entitled, "An Act to make appropriations to the Alabama Agricultural Experiment Station at Auburn; to the branch agricultural experiment stations located at Belle Mina in Limestone County, at Crossville in DeKalb County, at Marion Junction in Dallas County, at Headland in Henry County, and at Fairhope in Baldwin County, to the experiment fields located at various points in Alabama; to provide for the purchase of necessary land; to provide for the administration, supervision and direction of the research work carried on by the above agencies; to provide for the purchase of equipment, supplies, and for other necessary expenses involved in the conduct of agricultural researches and experiments on the main station at Auburn, on the branch stations, on the experiment fields, and in cooperation with farmers, and to provide how and from what sources said appropriations shall be derived, the distribution thereof, and the manner in which same shall be paid, Approved September 2, 1935"

Was taken up.

Mr. Walton offered the following substitute for said bill, to-wit:

A BILL

To be entitled An Act to amend Sections 2, 3, 4, 5, 6, 7 and 8 of an Act of the Legislature of Alabama entitled, "An Act to make appropriations to the Alabama Agricultural Experiment Station at Auburn; to the branch agricultural experiment stations located at Belle Mina in Limestone County, at Crossville in DeKalb County, at Marion Junction in Dallas County, at Headland in Henry Coun-

ty, and at Fairhope in Baldwin County, to the experiment fields located at various points in Alabama; to provide for the purchase of necessary land; to provide for the administration, supervision and direction of the research work carried on by the above agencies; to provide for the purchase of equipment, supplies, and for other necessary expenses involved in the conduct of agricultural researches and experiments on the main station at Auburn, on the branch stations, on the experiment fields, and in cooperation with farmers, and to provide how and from what source said appropriations shall be derived, the distribution thereof, and the manner in which same shall be paid, Approved September 2, 1935".

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 2 of an Act of the Legislature of Alabama entitled "An Act to make appropriations to the Alabama Agricultural Experiment Station at Auburn; to the branch agricultural experiment stations located at Belle Mina in Limestone County, at Crossville in DeKalb County, at Marion Junction in Dallas County, at Headland in Henry County, and at Fairhope in Baldwin County, to the experiment fields located at various points in Alabama; to provide for the purchase of necessary land; to provide for the administration, supervision and direction of the research work carried on by the above agencies; to provide for the purchase of equipment, supplies, and for other necessary expenses involved in the conduct of agricultural researches and experiments on the main station at Auburn, on the branch stations, on the experiment fields, and in cooperation with farmers, and to provide how and from what sources said appropriations shall be derived, the distribution thereof, and the manner in which same shall be paid, (Approved September 2, 1935)," be and the same is hereby amended so as to read as follows:

"Section 2. That there is hereby appropriated to the Alabama Agricultural Experiment Station of the Alabama Polytechnic Institute for the support of the work of the main station at Auburn, and for the cooperative experiments with farmers, for the fiscal year beginning October 1, 1936, and for each and every year thereafter, the sum of \$71,000, to be paid from and after January 1, 1937, out of the Alabama Special Educational Trust Fund, subject to the terms, conditions, provisions, and limitations of the Budget and Financial Control Act, and the General Fund shall be relieved from and after January 1, 1937, from any payment of said appropriations; provided however that not more than said sum of \$71,000 so appropriated shall be paid in the aggregate from the General Fund and said Alabama Special Educational Trust Fund for the fiscal year beginning October 1, 1936."

Section 2. That Section 3 of the said Act, the title to which

is in Section 1 hereinabove set out, be and the same is hereby amended so as to read as follows:

"Section 3. That there is hereby appropriated to the Tennessee Valley Branch Station located at Belle Mina in Limestone County for the fiscal year beginning October 1, 1936, and for each and every year thereafter, the sum of \$12,500, to be paid from and after January 1, 1937, out of the Alabama Special Educational Trust Fund, subject to the terms, conditions, provisions and limitations of the Budget and Financial Control Act, and the General Fund shall be relieved, from and after January 1, 1937, from any payment of said appropriations, provided however that not more than said sum of \$12,500.00 so appropriated shall be paid in the aggregate from the General Fund and said Alabama Special Educational Trust Fund for the fiscal year beginning October 1, 1936."

Section 3. That Section 4 of the said Act, the title to which is in Section 1 hereinabove set out, be and the same is hereby amended so as to read as follows:

"Section 4. That there is hereby appropriated to the Sand Mountain Branch Station located at Crossville in DeKalb County for the fiscal year beginning October 1, 1936, and for each and every year thereafter, the sum of \$12,500, to be paid from and after January 1, 1937, out of the Alabama Special Educational Trust Fund, subject to the terms, conditions, provisions, and limitations of the Budget and Financial Control Act, and the General Fund shall be relieved from and after January 1, 1937, from any payment of said appropriations; provided however that not more than said sum of \$12,500 so appropriated shall be paid in the aggregate from the General Fund and said Alabama Special Educational Trust Fund for the fiscal year beginning October 1, 1936."

Section 4. That Section 5 of the said Act, the title to which is in Section 1 hereinabove set out, be and the same is hereby amended so as to read as follows:

"Section 5. That there is hereby appropriated to the Black Belt Branch Station located at Marion Junction in Dallas County for the fiscal year beginning October 1, 1936, and for each and every year thereafter, the sum of \$14,900, to be paid from and after January 1, 1937, out of the Alabama Special Educational Trust Fund, subject to the terms, conditions, provisions, and limitations of the Budget and Financial Control Act, and the General Fund shall be relieved from and after January 1, 1937, from any payment of said appropriations; provided however that not more than said sum of \$14,900, so appropriated shall be paid in the aggregate from the General Fund and said Alabama Special Educational Trust Fund for the fiscal year beginning October 1, 1936."

Section 5. That Section 6 of the said Act, the title to which is in Section 1 hereinabove set out, be and the same is hereby amended to read as follows:

"Section 6. That there is hereby appropriated to the Wiregrass Branch Station located at Headland in Henry County for the fiscal year beginning October 1, 1936, and for each and every year thereafter, the sum of \$12,500, to be paid from and after January 1, 1937, out of the Alabama Special Educational Trust Fund, subject to the terms, conditions, provisions, and limitations of the Budget and Financial Control Act, and the General Fund shall be relieved from and after January 1, 1937, from any payment of said appropriations; provided however that not more than said sum of \$12,500 so appropriated shall be paid in the aggregate from the General Fund and said Alabama Special Educational Trust Fund for the fiscal year beginning October 1, 1936."

Section 6. That Section 7 of the said Act, the title to which is in Section 1 hereinabove set out, be and the same is hereby amended so as to read as follows:

"Section 7. That there is hereby appropriated to the Gulf Coast Branch Station located at Fairhope in Baldwin County, for the fiscal year beginning October 1, 1936, and for each and every year thereafter, the sum of \$14,900, to be paid from and after January 1, 1937, out of the Alabama Special Educational Trust Fund, subject to the terms, conditions, provisions, and limitations of the Budget and Financial Control Act, and the General Fund shall be relieved from and after January 1, 1937, from any payment of said appropriations; provided however that not more than said sum of \$14,900 so appropriated shall be paid in the aggregate from the General Fund and said Alabama Special Educational Trust Fund for the fiscal year beginning October 1, 1936."

Section 7. That Section 8 of the said Act, the title to which is in Section 1 hereinabove set out, be and the same is hereby amended so as to read as follows:

"Section 8. That there is hereby appropriated for the support of researches and experiments on experiment fields for the fiscal year beginning October 1, 1936, and for each and every year thereafter, the sum of \$24,000, to be paid from and after January 1, 1937, out of the Alabama Special Educational Trust Fund, subject to the terms, conditions, provisions, and limitations of the Budget and Financial Control Act, and the General Fund shall be relieved from and after January 1, 1937, from any payment of said appropriations; provided however that not more than said sum of \$24,000, so appropriated shall be paid in the aggregate from the General Fund and said Alabama Special Educational Trust Fund for the fiscal year beginning October 1, 1936."

Section 8. That all laws or parts of laws in conflict with the provisions of this Act be and the same are hereby expressly repealed.

Which was adopted.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers	Thomas
Browder	Locke	Russell	Tucker
Carlton	Mooneyham	St. John	Walden
Chesnut	McConnell	Starnes	Walton
Cook	McDowell	Stephens	Weaver
Dorsey	Parrish	Stoddard	Wellborn
Kelly	Riddle	Taylor	Woodall

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Nays:—None.

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 29; Nays, 2.

Yeas:

Messrs.:

Bonner	Locke	Russell	Thomas
Carlton	Mooneyham	St. John	Tucker
Chesnut	McConnell	Starnes	Walden
Cook	McDowell	Stephens	Walton
Dorsey	Parrish	Stoddard	Weaver
Goldsmith	Richardson	Swift	Wellborn
Kelly	Riddle	Taylor	Woodall
Kuykendall			

—29

Nays: Messrs.: Frazer and Rogers.

—2

PAIR ANNOUNCED

Mr. Browder announced that he and Mr. Mixon were paired on this vote; that Mr. Mixon, if present would vote "aye", and he, Mr. Browder, would vote "No."

The Bill:

S. 13. To Amend Section 1 of an Act entitled, "An Act to provide for Extension Work in Agricultural and home economics by giving instructions to men, women and young people in the several counties in Alabama, by continuing and improving farm and home demonstration work, by providing for the training of men and women leaders, by organizing groups of farm people, including men, women, boys and girls, into clubs for the improvement of agriculture and farm home life, and by conducting Extension Work through other means, all with the view of making farm life more profitable and attractive; and to aid in securing for Alabama the full amounts of all Federal funds conditionally appropriated to Alabama by the Congress of the United States under an Act ap-

proved May 8th, 1914, and generally known as the Smith-Lever Act for Extension work in agriculture and home economics, and other related and supplementary acts; and to make appropriations for these purposes," (Approved September 2, 1935).

Was taken up.

Mr. Parrish offered the following substitute for said bill, to-wit:

A BILL

To be entitled An Act to Amend Section 1 of an Act of the Legislature of Alabama entitled, "An Act to provide for extension work in Agriculture and home economics by giving instructions to men, women and young people in the several counties in Alabama, by continuing and improving farm and home demonstration work, by providing for the training of men and women leaders, by organizing groups of farm people, including men, women, boys and girls, into clubs for the improvement of agriculture and farm home life, and by conducting Extension Work through other means, all with the view of making farm life more profitable and attractive; and to aid in securing for Alabama the full amounts of all Federal funds conditionally appropriated to Alabama by the Congress of the United States under an Act approved May 8, 1914, and generally known as the Smith-Lever Act for Extension work in agriculture and home economics, and other related and supplementary acts; and to make appropriations for these purposes." (Approved September 2, 1935.)

Be it Enacted by the Legislature of Alabama:

Section 1. That section 1 of an Act of the Legislature of Alabama entitled, "An Act to provide for extension work in Agriculture and home economics by giving instructions to men, women and young people in the several counties in Alabama, by continuing and improving farm and home demonstration work, by providing for the training of men and women leaders, by organizing groups of farm people, including men, women, boys and girls, into clubs for the improvement of agriculture and farm home life, and by conducting Extension Work through other means, all with the view of making farm life more profitable and attractive; and to aid in securing for Alabama the full amounts of all Federal funds conditionally appropriated to Alabama by the Congress of the United States under an Act approved May 8, 1914, and generally known as the Smith-Lever Act for Extension work in agriculture and home economics, and other related and supplementary acts; and to make appropriations for these purposes", (Approved September 2, 1935) be and the same is hereby amended so as to read as follows:

"Section 1. That in order to aid in diffusing among the people of Alabama in the several counties useful and practical infor-

mation on subjects relating to agriculture and home economics; to provide for the continuance and improvement of farm and home demonstration work, to provide for the training of men and women leaders, to provide for organizing clubs of farm people, including men, women, boys and girls, for the improvement of agriculture and farm home life; to promote the welfare of the rural districts by other forms of extension work in Agriculture and Home Economics, and to aid in securing for expenditure in Alabama the full amounts of Federal funds appropriated conditionally to Alabama by the Congress of the United States, under an Act approved May 8, 1914, and generally known as the Smith-Lever Act for Extension Work in Agriculture and Home Economics, and other supplementary and related acts for Extension Work in agriculture and home economics, there is hereby appropriated to the Alabama Polytechnic Institute, for the fiscal year beginning October 1, 1936, and for each and every fiscal year thereafter, the sum of two hundred and twenty thousand dollars (\$220,000.00), and the same shall be paid from and after January 1, 1937, out of the Alabama Special Educational Trust Fund, subject to the terms, conditions, provisions and limitations of the Budget and Financial Control Act, and the General Fund shall be relieved from any payment of said appropriations from and after January 1, 1937; provided, however, that not more than said sum of \$220,000.00 so appropriated shall be paid in the aggregate from said General Fund and said Alabama Special Educational Trust Fund, for the fiscal year beginning October 1, 1936."

Section 2. That all laws or parts of laws in conflict with the provisions of this Act, be and the same are hereby expressly repealed.

Which was adopted:

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers	Tucker
Browder	Mooneyham	St. John	Walden
Chesnut	McConnell	Stephens	Walton
Cook	McDowell	Stoddard	Weaver
Dorsey	Parrish	Swift	Wellborn
Frazer	Richardson	Taylor	Woodall
Goldsmith	Riddle	Thomas	

—27

Nays:—None.

PAIR ANNOUNCED

Mr. Starnes announced that he and Mr. Locke were paired on this vote; that Mr. Locke, if present, would vote "No," and he, Mr. Starnes, would vote "aye."

And said bill, as thus amended, was read a third time at length and passed ordered sent forthwith to the House without engrossment.

Yeas, 25; Nays, 2.

Yeas:

Messrs.:

Bonner	McConnell	St. John	Tucker
Carlton	McDowell	Stephens	Walden
Chesnut	Parrish	Stoddard	Walton
Cook	Richardson	Swift	Weaver
Dorsey	Riddle	Taylor	Wellborn
Kelly	Russell	Thomas	Woodall
Mooneyham			

—25

Nays: Messrs.: Frazer and Rogers.

—2.

PAIRS ANNOUNCED

Mr. Starnes announced that he and Mr. Locke were paired on this vote; that Mr. Locke, if present, would vote "no," and he, Mr. Starnes, would vote "aye."

Mr. Browder announced that he and Mr. Mixon were paired on this vote; that Mr. Mixon, if present, would vote "aye", and he, Mr. Browder, would vote "no."

The bill:

H. 79. To make an appropriation of two hundred and fifty thousand dollars or so much thereof as may be necessary out of any funds in the state treasury not otherwise appropriated to defray the expenses of the present session of the Legislature.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	St. John	Tucker
Browder	McConnell	Starnes	Walden
Carlton	Parrish	Stephens	Walton
Chesnut	Richardson	Stoddard	Weaver
Cook	Riddle	Taylor	Wellborn
Dorsey	Rogers	Thomas	Woodall
Kelly	Russell		

—26

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Delony:

H. 36. To Amend Section 370-A of an act entitled "An Act

To Provide for the General Revenue of the State of Alabama," approved July 10, 1935.

Also:

By Mr. Delony:

H. 37. To Amend Section 161-A of an act entitled "An Act To Provide for the General Revenue of the State of Alabama," approved July 10th, 1935.

Also:

By Mr. Delony:

H. 38. To Amend Section 23 of an act entitled "An Act To Provide for The General Revenue of the State of Alabama," approved July 10th, 1935.

Also:

By Mr. Terry:

H. 69. To amend Section 9 of an Act entitled, "An Act to regulate the transportation, delivery, storage or sale of gasoline and other motor fuels in the State; to provide for the licensing by the State of certain individuals, firms, co-partnerships, corporations and associations engaging in the business of selling, distributing, or the withdrawing from storage of gasoline and other motor fuels, and to provide penalties for doing business without such license; to require bonds before engaging in such business; to require reports to State Tax Commission and immediate payment of all taxes, penalties and interest upon discontinuance of business of selling, distributing or withdrawing from storage gasoline and other motor fuels, and to provide penalties for violations thereof; to regulate the transportation of gasoline and other motor fuels over the public highways and navigable waters of the State, and to provide penalties for violations thereof; to provide for the time and manner of delivering gasoline and other motor fuels to service stations and other places at which same shall be offered for sale at retail to the public, and to provide penalties for violations thereof; to prohibit the delivery of gasoline from certain trucks and other vehicles to the tanks of motor vehicles, except in cases of emergency, and to provide penalties for the violation thereof; to provide for the condemnation and sale of conveyances, boats and other property used in the illegal transportation, sale or delivery of gasoline and other motor fuels in the State, and to provide for the distribution of the proceeds of all such sales; to provide for rewards to persons fur-

nishing information leading to the arrest and conviction of persons violating the provisions of this Act; to provide for the restraining and enjoining of certain persons illegally selling, distributing, withdrawing from storage or transporting gasoline, and to provide generally for the enforcement of the provisions of this Act, Approved October 5, 1932."

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read one time at length and referred to appropriate standing committee as follows:

House Bills 36, 37, 38, and 69—To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested.

H. 76. To amend Section One (1) of "An Act to reduce and fix the compensation of the Judge of the Inferior Criminal Court in Mobile County and to fix the time when said act shall go into effect."

E. F. Taylor,
Clerk.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing message from the House.

REPORT OF CONFERENCE COMMITTEE

We, the members of the Conference Committee appointed on the part of the House, Messrs. Hamner, Sanderson and Miller; and on part of the Senate,

Messrs. Taylor, St. John, and Starnes, respectfully report to the House and recommend that the Senate recede from its amendment on resolution No. 18 by the Rules Committee, of the House. And the Conference Committee of the House and Senate recommend that said resolution be amended to read as follows:

"BE IT RESOLVED BY THE HOUSE, the Senate concurring, that when the two Houses adjourn today they adjourn to meet again Tuesday, December 29, 1936, at 11:00 o'clock A. M.

"BE IT FURTHER RESOLVED, that members of the Legislature shall be paid their per diem during this recess, but shall not be allowed mileage.

"BE IT FURTHER RESOLVED, that the offices of the Clerk of the House and Secretary of the Senate shall be kept open during the recess and that all Legislative employees shall be paid their per diem during this recess."

R. F. Hamner,
L. A. Sanderson,
Geo. O. Miller,

Committee on the Part of the House.

Vernon L. St. John
W. T. Starnes
H. A. Taylor

Committee on the part of the Senate.

CONFERENCE REPORT

Mr. Carlton moved that the Senate concur in the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Resolution:

H. J. R. 18. Relative to adjournment of the two Houses until January 5, 1937 and relative to per diem and mileage of members and per diem of clerks.

Mr. Rogers moved to table the motion of Mr. Carlton to concur in the Conference Report, which motion prevailed and the motion of Mr. Carlton was laid upon the table.

Yeas, 18; Nays, 11.

Yeas:

Messrs.:

Bonner
Browder
Chesnut
Dorsey
Frazer

Kelly
Mooneyham
McConnell
McDowell
Rogers

Russell
Stephens
Swift
Tucker

Walden
Walton
Wellborn
Woodall

—18

Nays:

Messrs.:

Carlton
Cook
Kuykendall

Parrish
Richardson
St. John

Starnes
Stoddard
Taylor

Thomas
Weaver

—11

On motion of Mr. Rogers, the Senate non-curred in the Report of the Committee on Conference and requested further Confer-

ence. And the President of the Senate appointed same Conferees for Committee on Conference.

MESSAGE FROM THE HOUSE

Mr. President:

The House accedes to the Senate's request for further conference on the disagreement of the two Houses on the Senate amendment to the following House joint resolution:

By Rules Committee:

H. J. R. 18. Relative to the two Houses adjourning today to meet again January 5, 1937, at 11 A. M. and to pay the members their per diem and to pay all legislative employees.

E. F. Taylor,
Clerk.

REPORT OF CONFERENCE COMMITTEE

We, the members of the Conference Committee appointed by the House and Senate on the disagreement of the two Houses on the Senate amendment to H. J. R. No. 18 recommend as follows:

1. We recommend that the Senate recede from its amendment, and that the Senate adopt the resolution as adopted by the House.

R. F. Hamner

Geo. O. Miller

L. A. Sanderson

Committee on the part of the House.

W. T. Starnes

H. A. Taylor

Vernon L. St. John

Committee on the part of the Senate.

CONFERENCE REPORT

Mr. Carlton moved that the Senate concur in the foregoing report from the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the resolution:

H. J. R. 18. Relative to the two Houses adjourning today to meet again January 5, 1937, at 11 A. M. and to pay the members their per diem and to pay all legislative employees.

Which motion was lost and the Senate refused to concur in said Conference Report.

Yeas, 13; Nays, 16.

Yeas:

Messrs.:

Carlton
Chesnut

Cook
Kelly

Kuykendall
Parrish

Riddle
Starnes

Stephens	Taylor	Thomas	Weaver	—13
Stoddard				

Nays:

Messrs.:				
Bonner	Mooneyham	Russell	Walden	
Browder	McConnell	St. John	Walton	
Dorsey	Richardson	Swift	Wellborn	
Frazer	Rogers	Tucker	Woodall	—16

Mr. Mooneyham moved that the Senate re-consider the vote by which it non-concurred in the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to H. J. R. 18, which motion prevailed and the Senate did re-consider said vote.

Yeas, 19; Nays, 11.

Yeas:

Messrs.:				
Browder	Kuykendall	St. John	Thomas	
Carlton	Mooneyham	Starnes	Walton	
Chesnut	Parrish	Stephens	Weaver	
Cook	Richardson	Stoddard	Woodall	
Kelly	Riddle	Taylor		—19

Nays:

Messrs.:				
Bonner	Locke	Russell	Walden	
Dorsey	McConnell	Swift	Wellborn	
Frazer	Rogers	Tucker		—11

The question then re-curred on the motion of Mr. Carlton that the Senate concur in said Conference Report on said resolution, which motion prevailed and the Senate did concur in said report.

Yeas, 17; Nays, 13.

Yeas:

Messrs.:				
Carlton	Mooneyham	St. John	Taylor	
Chesnut	Parrish	Starnes	Thomas	
Cook	Richardson	Stephens	Walton	
Kelly	Riddle	Stoddard	Weaver	
Kuykendall				—17

Nays:

Messrs.:				
Bonner	Locke	Russell	Walden	
Browder	McConnell	Swift	Wellborn	
Dorsey	Rogers	Tucker	Woodall	
Frazer				—13

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the report of the Committee of Conference on the disagreement of the two Houses on the Senate amendment to the following House Joint Resolution:

By Rules Committee:

H. J. R. 18. Relative to the two Houses adjourning today to meet again January 5, 1937, at 11 A. M. and to pay the members their per diem and to pay all legislative employees.

Said Conference Report being in words and figures as follows:

We, the members of the Conference Committee appointed by the House and Senate on the Disagreement of the two houses on the Senate amendment to H. J. R. No. 18 recommend as follows:

1. We recommend that the Senate recede from its amendment, and that the Senate adopt the resolution as adopted by the House.

R. F. Hamner
Geo. O. Miller
L. A. Sanderson

Committee on the part of the House.

W. T. Starnes
H. A. Taylor

Vernon L. St. John
Committee on the part of the Senate.

And said House joint resolution, No 18, together with the report of the Committee of Conference, is herewith returned to the Senate.

E. F. Taylor,
Clerk.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the ninth Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the ninth Legislative day approved by the Senate.

ADJOURNMENT

At 2:45 P. M., on motion of Mr. Dorsey and in accordance with Joint resolution heretofore adopted, the Senate adjourned until Tuesday, January 5, 1937, at 11 A. M.

TENTH DAY

Tuesday, January 5th, 1937.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The session was opened with prayer by Rev. H. G. Earnest, Doorkeeper of the Senate.

ROLL CALL

Present:

Messrs.:			
Bonner	Kuykendall	Rogers	Taylor
Browder	Locke	Russell	Thomas
Carlton	Mixon	St. John	Tucker
Chesnut	Mooneyham	Simpson	Walden
Cook	McConnell	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Frazer	Parrish	Stoddard	Wellborn
Goldsmith	Richardson	Swift	Woodall
Kelly	Riddle		

—34

JOURNAL

On motion of Mr. Starnes the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 14. To define, regulate and license barbers and barber colleges, and other like businesses in Covington County, State of Alabama; and create a Barbers' Commission for said county; and to provide a penalty for the violation of the provisions hereof, and to fix the powers and duties of said Commission.

Also:

H. 79. To make an appropriation of two hundred and fifty thousand dollars or so much thereof as may be necessary out of any funds in the state treasury not otherwise appropriated to defray the expenses of the present session of the Legislature.

Also:

H. 81. To ratify and confirm the special city school district tax election held on January 28, 1936, in the City of Eufaula, Barbour County, Alabama.

Also:

H. 90. To amend Section 15 of an Act entitled an Act "To establish in Precinct One in Madison County, Alabama, an Inferior Court in lieu of all Justices of the Peace and Notaries Public with the powers of a Justice of the Peace in the said Precinct, to be known as the Inferior Court of Huntsville, to define the jurisdiction and powers of said Court and the Judge thereof." Approved April 4, 1911, as amended by an Act of the Legislature approved March 2, 1931.

Also:

H. 91. To abolish the office of county Treasurer of Madison County, Alabama; to authorize the Board of County Commissioners for said County to name a bank or banks of said County as County depository or depositories; to provide for the selection of such depository or depositories, and the security furnished by them, and their duties and compensation.

Also:

H. 95. For the relief of Matt A. Boykin, Judge of the Probate Court of Mobile County, and to reimburse the said Matt A. Boykin, as such Probate Judge, out of funds of the Mobile County Treasury for necessary extra help hired and paid for by him during the months of September, October, November and December of 1935 and for the months of January, February, March, April, May and June of 1936, for which said extra help no provision nor allowance were provided by law.

Also:

H. 99. To authorize the County of Talladega, in the State of Alabama, to acquire by purchase or otherwise, maintain and operate a hospital and home for aged and infirm persons, and make expenditures for the acquisition, maintenance and operation of same and to validate expenditures already made in connection with same.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Rogers:

S. 77. For the relief of William J. O'Connor as official stenographer for the State Solicitor for the Thirteenth Judicial Circuit of Alabama (Mobile County); to provide compensation for the months of June, July, August and part of September, 1935, to be paid out of the General Funds of Mobile County, Alabama; to provide for said official stenographer to draw a warrant on the Treasurer of Mobile County, Alabama, for said compensation and to direct the Treasurer of Mobile County, Alabama, to register and pay said warrant out of the County Treasury of Mobile County, Alabama, as a preferred claim.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that at the present session of the Legislature of Alabama, now in session, a Bill will be introduced and an effort made to have the same enacted into law, which Bill will provide in substance as follows:

A BILL

TO BE ENTITLED AN ACT

For the relief of William J. O'Connor as official stenographer for the State Solicitor for the Thirteenth Judicial Circuit of Alabama (Mobile County); to provide compensation for the months of June, July, August and part of September, 1935, to be paid out of the General Funds of Mobile County, Alabama; to provide for said official stenographer to draw a warrant on the Treasurer of Mobile County, Alabama, for said compensation and to direct the Treasurer of Mobile County, Alabama, to register and pay said warrant out of the County Treasury of Mobile County, Alabama, as a preferred claim.

Whereas on the 1st day of September, 1931, William J. O'Connor was duly appointed and qualified as the official stenographer for the Circuit So-

licitor for the Thirteenth Judicial Circuit of Alabama (Mobile County) under an Act of the Legislature known as House Bill No. 53, Approved by the Governor of the State of Alabama on February 10th, 1927, said Act being reported in the General Acts of Alabama of 1927, Page 31, which said Act was not amended, superseded or repealed until September 9th, 1935, and

Whereas the said William J. O'Connor did perform the duties of said office created by the aforesaid Act continuously from said date to the 9th day of September, 1935, and

Whereas the Treasurer of Mobile County, Alabama, refused to register and pay properly drawn warrants presented to him by the said William J. O'Connor for his salary for services performed pursuant to said office for the months of June, July, August and part of (to the 9th of September) September, 1935, and for which the said William J. O'Connor has never been paid.

Now Therefore Be It Enacted By The Legislature of Alabama:

Section 1. That there be paid to the said William J. O'Connor out of the General Funds of Mobile County, Alabama, the sum of Five Hundred and Sixty (\$560.00) Dollars for work and labor done by said William J. O'Connor as the official stenographer for the Circuit Solicitor of the Thirteenth Judicial Circuit (Mobile County) for the months of June, July, August and part of the month of September, 1935, and be it further enacted that the said William J. O'Connor is hereby authorized, directed and empowered to draw his said warrant on the Mobile County Treasury for said sum and the Treasurer of Mobile County, Alabama, is hereby authorized, empowered and directed to register and pay said warrant as a preferred claim out of the General Funds of said County.

Section 2. This Act shall take effect immediately upon its passage and approval by the Governor of the State of Alabama.

V. M. Cunan, being sworn, says that he is Auditor of The Mobile Press and The Mobile Register; daily newspapers printed and published in the city and county of Mobile, state of Alabama; and that the attached notice appeared in the issues of The Mobile Press 11/28, 12/5, 12/12, 12/19, 1936.

V. M. CUNAN.

Sworn to and subscribed before me this 19th day of December, 1936.

CARL M. SMITH,

Notary Public.

By Mr. Rogers:

S. 78. To amend Section 1 of an act entitled "To provide for a more economical, convenient and uniform system of assessing and collecting taxes on real estate, including the enforcement of tax liens, in all Counties having a population of 110,000 or more, according to the last, or any succeeding Federal Census," so as to provide for a minimum population of not less than 200,000 people.

Committee on Local Legislation.

REPORTS OF COMMITTEES

Mr. Bonner, Chairman of the Standing Committee on Temperance reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Boswell (with substitute):

H. 44. To promote temperance and suppress the evils of intemperance; to regulate and control the manufacture, purchase, bottling, sale, distribution, transportation, handling, advertising, possession, dispensing, drinking and use of alcohol, brandy, rum, whiskey, gin, wine, beer, lager beer, ale, porter, stout, and all liquid beverages and articles containing alcohol obtained by fermentation or otherwise; to create a Department of "Alcoholic Beverage Control," and an "Alabama Beverage Control Board," and to define and provide for the functions, duties, and powers thereof; to provide for the appointment, suspension, removal, compensation, cost and expense of such Board and its members, officers, agents and employees; to provide for the manufacture, sale and distribution of such alcoholic beverages of an alcoholic content of over twenty-four (24%) percent by volume; to provide for the levying and collecting of an excise tax on the sale and distribution within this State of malt and vinous beverages of an alcoholic content of twenty-four (24%) percent or less by volume; to provide for the sale and purchase at State Liquor Stores of alcoholic beverages of an alcoholic content in excess of twenty-four (24%) percent by volume; to authorize said Board to promulgate rules and regulations governing the manufacture, sale and possession of all such beverages within this State; to make it a misdemeanor for any person to purchase any such beverages from any person or persons, firm or corporation, except those authorized by this Act and by the Board under the provisions of this Act; to appropriate money for the administration of the Act and to provide for the disposition of the net profits collected under this Act; to provide for the confiscation and disposition of articles declared to be contraband; to impose penalties for violation of this Act; to repeal all laws and parts of laws in conflict hereto, and to provide that this Act shall constitute and be designated and cited as "The Alcoholic Beverage Control Act."

Mr. Weaver, Chairman of the Standing Committee on Forestry & Conservation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Miller:

H. 97. To amend Section 992 of the Code of Alabama of 1923, as amended by an Act approved February 5, 1935, and September 13th, 1935, so as to read as follows:

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following:

By Mr. Miller:

H. J. R. 21. Be it resolved by the House of Representatives, the Senate concurring, that when the two houses adjourn today they adjourn to meet again on Thursday, January 7, at ten A.M.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Mooneyham, the resolution, H. J. R. 21, which is set out in the foregoing House Message, was concurred in and adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following:

By Mr. Kirby:

H. J. R. 20. Be it resolved by the House Senate concurring that it is with great sorrow we have read and heard of the unfortunate catastrophe at Selma, Alabama, where several of her fine women were burned to death and others severely injured during the Holidays.

Be it further resolved: That we, as Representatives and Senators of the people of the whole State, extend to the bereaved families, their friends, wherever they may be, our sincere sympathy—And that a copy of this Resolution be sent to the Press at Selma and a copy be spread on the Journal of this House.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Mooneyham, the resolution, H. J. R. 20, set out in the foregoing House Message was concurred in and adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 38. To provide for the refunding of outstanding school warrants by County Boards of Education and to validate certain outstanding school warrants heretofore issued by school boards.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

ORDER TO PRINT

On motion of Mr. Rogers, 500 copies of the substitute offered by the Standing Committee on Temperance for the bill:

H. 44. To promote temperance and suppress the evils of intemperance; to regulate and control the manufacture, purchase, bottling, sale, distribution, transportation, handling, advertising, possession, dispensing, drinking and use of alcohol, brandy, rum, whiskey, gin, wine, beer, lager beer, ale, porter, stout, and all liquid beverages and articles containing alcohol obtained by fermentation or otherwise; to create a Department of "Alcoholic Beverage Control", and an "Alabama Beverage Control Board", and to define and provide for the functions, duties, and powers thereof; to provide for the appointment, suspension, removal, compensation, cost and expense of such Board and its members, officers, agents and employees; to provide for the manufacture, sale and distribution of such alcoholic beverages of an alcoholic content of over twenty-four (24%) percent by volume; to provide for the levying and collecting of an excise tax on the sale and distribution within this State of malt and vinous beverages of an alcoholic content of twenty-four (24%) percent or less by volume; to provide for the sale and purchase at State Liquor Stores of alcoholic beverages of an alcoholic content in excess of twenty-four (24%) percent by volume; to authorize said Board to promulgate rules and regulations governing the manufacture, sale and possession of all such beverages within this State; to make it a misdemeanor for any person to purchase any such beverages from any person or persons, firm or corporation, except those authorized by this Act and by the Board under the provisions of this Act; to appropriate money for the administration of the Act and to provide for the disposition of the net profits collected under this Act; to provide for the confiscation and disposition of articles declared to be contraband; to impose penalties for violation of this Act; to repeal all laws and parts of laws in conflict hereto, and to provide that this Act shall constitute and be designated and cited as "The Alcoholic Beverage Control Act".

Were ordered printed for the use of the members of the Legislature.

RECESS

At 12:55 P. M., on motion of Mr. Mooneyham, the Senate took a recess until three o'clock this afternoon.

AFTERNOON SESSION—TENTH DAY

Tuesday, January 5th, 1937.

The Senate re-assembled at three o'clock P. M., Lieutenant-Governor Knight presiding.

ROLL CALL

Present:

Messrs.:

Bonner	Kuykendall	Rogers	Taylor
Browder	Locke	Russell	Thomas
Carlton	Mixon	St. John	Tucker
Chesnut	Mooneyham	Simpson	Walden
Cook	McConnell	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Frazer	Parrish	Stoddard	Wellborn
Goldsmith	Richardson	Swift	Woodall
Kelly	Riddle		

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REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled bill with the engrossed and original bill respectively, and finds same correctly enrolled, to-wit:

S. 38. To provide for the refunding of outstanding school warrants by County Boards of Education and to validate certain outstanding school warrants heretofore issued by such boards.

Earle Thomas,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

REPORT OF COMMITTEE

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in Session, had acted on

the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Hamner, Quarles, & Hare:

H. 125. To authorize Dallas County, through its Court of County Revenues, or other governing body, to build, rent lease, contract for the use of, or acquire in any manner it may choose, and under any contract that it may deem advisable, a jail for the use of said County, whether with or in conjunction with the City of Selma, or otherwise, and to ratify any contract which may have heretofore been made.

By Mr. Goodwyn:

H. 147. To Amend the Act entitled "An Act to provide for the consolidation of the administration and control of the public school systems in any county of not less than seventy-five thousand nor more than one hundred thousand population according to the last or any succeeding Federal Census; to establish a Board of Education, in lieu of all other city and county Boards of Education in such counties, and provide for the manner of its selection and to define its authority," approved September 6, 1927, so as to confer additional authority for the issue of refunding warrants.

RESOLUTIONS

Mr. St. John offered the following joint resolution:

S. J. R. 17. WHEREAS, just prior to adjournment for the Christmas Holidays, a resolution was adopted by the terms of which the members of the legislature, its officers and employees were permitted leave and pay and

WHEREAS, it is the sense of the legislature that members of the legislature and officers should not receive pay for this period of vacation, and that it is to the best interest of the people of the State of Alabama that the action as to pay be rescinded;

NOW, THEREFORE, BE IT RESOLVED by the Senate, the House concurring, that action of the two houses in ordering that the members of the legislature and its officers be paid during the vacation be and it is hereby rescinded.

BE IT FURTHER RESOLVED, that the action ordering the payment of employees and of mileage to members of the legislature, be and it is hereby confirmed.

WHICH was read and referred to the Standing Committee on Rules.

Mr. St. John also offered the following joint resolution:

S. J. R. 18. WHEREAS the Legislature has been in session since Nov. 23 and have had only 10 legislative days, and

WHEREAS it will be a great saving to the state to rush this session;

NOW therefore be it resolved by the Senate the House concurring that we have at least four legislative days per week until this special session is ended.

Which was read and referred to the Standing Committee on Rules.

Mr. Thomas offered the following Senate resolution:

S. R. 19. BE IT RESOLVED that the photograph of the Gentleman from Lawrence be published in the Montgomery Advertiser, the Birmingham News, the Mobile Register, the Alabama News Magazine and the Decatur Daily on January 6, 1937 (Front page of each), in recognition of the resolution offered after the House members had already been paid.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bill:

By Mr. Welch:

H. 87. To amend Section 145 of Article V of an act entitled, "An Act to provide for the general revenue of the State of Alabama, Approved July 10, 1935."

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read one time at length and referred to appropriate Standing Committee as follows:

H. 87. To the Committee on Finance and Taxation.

BILLS ON THIRD READING

The bill:

S. 25. To propose an amendment to the Constitution of Alabama to be known as Article....., and to be in the following

words and figures: "Article..... All income received and taxes collected by the state except unemployment compensation funds shall be covered into the general fund in the State Treasury and no money shall be paid out of the State Treasury except by appropriation duly made by the Legislature. If the Legislature shall for any given year appropriate more money than is available, such appropriations shall be paid ratably and proportionally, except that appropriations for payments on the public debt shall receive priority. All income and taxes now pledged by the State to the payment of specific indebtednesses shall remain so pledged to the extent necessary fully to meet the maturities of such indebtednesses as same accrue and current surpluses of such pledged income or tax shall become a part of the general fund in the State Treasury."

Was taken up.

Mr. Simpson offered the following amendment to said bill, to-wit:

To Amend Senate Bill Number 25 by striking from Section one thereof the following quoted words "First Tuesday after the expiration of three months from the final adjournment of the present session of this Legislature," and inserting in lieu of said stricken words the following: "First Tuesday in May, 1938."

And further Amend said bill by adding at the end of Section 4 thereof the following additional words; viz.: "provided that the officers appointed to hold the democratic primary on the first Tuesday in May 1938, if otherwise qualified, may be appointed to hold this election, and if so appointed, they shall receive no compensation for holding this election other than that paid them for holding said primary election."

Which was adopted.

Yeas, 34; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers	Taylor
Browder	Locke	Russell	Thomas
Carlton	Mixon	St. John	Tucker
Chesnut	Mooneyham	Simpson	Walden
Cook	McConnell	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Frazer	Parrish	Stoddard	Wellborn
Goldsmith	Richardson	Swift	Woodall
Kelly	Riddle		

—34

Nays:—None.

Mr. Richardson offered the following amendment to said bill, to-wit:

Amend S. B. 25 by adding at the end of the proposed constitutional amendment where the same appears in the caption and in

Sections 1 and 3 of the bill, the following additional sentence, viz, "This Amendment shall become effective October 1st, 1939."

Which was adopted.

Yeas, 34; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers	Taylor
Browder	Locke	Russell	Thomas
Carlton	Mixon	St. John	Tucker
Chesnut	Mooneyham	Simpson	Walden
Cook	McConnell	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Frazer	Parrish	Stoddard	Wellborn
Goldsmith	Richardson	Swift	Woodall
Kelly	Riddle		

—34

Nays:—None.

And on motion of Mr. Walton, further consideration of said bill, S. 25, and pending amendments, was postponed by the Senate until the next Legislative day.

The bill:

S. 48. To create in each city of the State of Alabama having a population of one hundred thousand or more according to the last or any subsequent Federal census a Pension and Relief Fund for all employees of such city governed under civil service rules and regulations and for certain other officers and employees of such city who may elect to come under the provisions of this act, and for the widows of such officers and employees, to provide for a custodian of said Fund and to provide for the investment, protection, management and distribution of said Fund by a Board of Managers.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas, 34; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers	Taylor
Browder	Locke	Russell	Thomas
Carlton	Mixon	St. John	Tucker
Chesnut	Mooneyham	Simpson	Walden
Cook	McConnell	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Frazer	Parrish	Stoddard	Wellborn
Goldsmith	Richardson	Swift	Woodall
Kelly	Riddle		

—34

Nays:—None.

The bill:

H. 28. To amend Section 17 of an act entitled "An Act to establish Jury Boards in the several counties of this State, to fix the membership of said Boards, to prescribe the qualifications and terms of office and provide for the appointment of the members thereof; to fix their compensation and to define their duties; to provide for the appointment, duties and compensation of clerks of said Boards, for the qualifications of jurors, for the preparation of jury rolls and the emptying, filling and refilling of jury boxes; and to provide for the payment of the necessary expenses of the Boards", approved February 20, 1931.

Was read a third time at length and passed.

Yeas, 34; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers	Taylor
Browder	Locke	Russell	Thomas
Carlton	Mixon	St. John	Tucker
Chesnut	Mooneyham	Simpson	Walden
Cook	McConnell	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Frazer	Parrish	Stoddard	Wellborn
Goldsmith	Richardson	Swift	Woodall
Kelly	Riddle		

—34

Nays:—None.

The bill:

S. 16. To set up in the State Treasury a Property Tax Relief Fund and to provide for its distribution.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas, 31; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Rogers	Taylor
Browder	Mixon	Russell	Thomas
Carlton	Mooneyham	St. John	Tucker
Chesnut	McConnell	Simpson	Walton
Cook	McDowell	Starnes	Weaver
Dorsey	Parrish	Stephens	Wellborn
Kelly	Richardson	Stoddard	Woodall
Kuykendall	Riddle	Swift	

—31

Nays:—None.

The bill:

S. 17. To appropriate the sum of One Million Dollars (\$1,000,000.00) out of the General Fund to meet any deficit in the Alabama Special Educational Trust Fund.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 31; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Rogers	Taylor
Browder	Mixon	Russell	Thomas
Carlton	Mooneyham	St. John	Tucker
Chesnut	McConnell	Simpson	Walton
Cook	McDowell	Starnes	Weaver
Dorsey	Parrish	Stephens	Wellborn
Kelly	Richardson	Stoddard	Woodall
Kuykendall	Riddle	Swift	

—31

Nays:—None.

The bill:

S. 59. To authorize all banks incorporated under the laws of this State to become instrumentalities and agencies of the State of Alabama, and to require of such banks certain services for the State of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 31; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Rogers	Thomas
Browder	Mixon	Russell	Tucker
Carlton	Mooneyham	St. John	Walden
Chesnut	McConnell	Simpson	Walton
Cook	McDowell	Starnes	Weaver
Dorsey	Parrish	Stoddard	Wellborn
Kelly	Richardson	Swift	Woodall
Kuykendall	Riddle	Taylor	

—31

Nays:—None.

The Bill:

S. 15. To repeal Article 10 of the Code of Laws for the State of Alabama prepared in accordance with the provision of the Acts approved February 18, 1927 (H. 273 Goode) as amended by act approved January 31, 1935, known as H. 61. Harrison, and which pertains to the Agriculture and Industries and relating to subjects which are administered by, concern or relate to the duties of the Commissioner of Agriculture and approved for the indexing, publication, sale and distribution of said Code, which is to be known as the Agricultural Code of Alabama, and which Act became effective by a proclamation by the Governor on Oct. 1, 1927.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Years, 29; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Riddle	Swift
Browder	Mixon	Rogers	Taylor
Carlton	Mooneyham	Russell	Thomas
Chesnut	McConnell	St. John	Walden
Cook	McDowell	Simpson	Walton
Dorsey	Parrish	Starnes	Wellborn
Kelly	Richardson	Stephens	Woodall
Kuykendall			

—29

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 31. To fix the amount of the salary or compensation of the County Treasurer in any Counties of the State, having a population of not less than one hundred and ten thousand and not more than two hundred thousand, according to the last, or to any succeeding Federal Census; to provide the manner and method of its payment, and to repeal all laws, general, special, or local, in conflict with the provisions of this Act.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bills:

By Mr. Owens of Etowah:

H. 127. To fix the Compensation of the Deputy Solicitor in all Counties of this State, which now have or which may hereafter have a population of 60,000 or more according to the last or any subsequent Federal Census and while such Counties are embraced in Judicial Circuits having more than one County.

Also:

By Mr. Kelly:

H. 128. To authorize and empower Clay County, Alabama, by its County Commission to transfer from the excise tax or fund derived from 1c excise gasoline tax that is paid to the County of Clay, the sum of \$12,000.00 annually—to the General Fund of said

County and to use said amount as other moneys of the General Fund are used.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

Notice is hereby given that a local bill will be introduced in the extra session of the State Legislature to be called soon. The substance of which bill will be to authorize and allow Clay County by its court of County Commission to transfer an amount not exceeding twelve thousand dollars per annum from the one cent excise gasoline tax to the general fund of said county and to use such amount as other moneys of the general fund are used.

This November 12, 1936.

THE STATE OF ALABAMA, CLAY COUNTY.

Before me, Farrest Watts, a Notary Public, in and for said County, personally appeared R. M. Ussery, who being first duly sworn, deposes and says that he is the Publisher of The Ashland Progress, a newspaper published weekly in Ashland, Clay County, Alabama, and that the notice of a Local Bill, a copy of which is attached hereto, was published in said newspaper for 4 consecutive weeks, commencing in the issue of Nov. 12, 1936, and ending in the issue of Dec. 3, 1936.

R. M. USSERY,
Publisher.

Sworn to and subscribed before me, this 12 day of Dec., 1936.

FARREST WATTS,
Notary Public.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read one time at length and referred to appropriate Standing Committees as follows:

H. 127—To the Committee on Local Legislation.

H. 128—To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Constitutional amendment:

By Mr. Robertson (Cullman):

H. 82. To propose an Amendment to the Constitution of the State of Alabama, amending Section 138 of Article 5, of the Constitution of Alabama; to order an election for the qualified Electors of the State of Alabama upon such proposed Amendment to be held at the next election held for any other constitutional amendment passed, approved and submitted by this session of the Legislature, or on failure to have such special election, then at the next general election held in this State after the expiration of three (3) months from and after final adjournment of the present Session of the Legislature at which this Amendment is proposed; and, to provide for notice to be given by the Governor for the holding of said election.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read one time at length as required by the Constitution and referred to appropriate Standing Committee as follows:

H. 82. To the Committee on Constitution and Constitutional Revision and Amendments.

SPECIAL ORDER SET

On motion of Mr. Kelly, the bill:

H. 44. To promote temperance and suppress the evils of intemperance; to regulate and control the manufacture, purchase, bottling, sale, distribution, transportation, handling, advertising, possession, dispensing, drinking and use of alcohol, brandy, rum, whiskey, gin, wine, beer, lager beer, ale, porter, stout, and all liquid beverages and articles containing alcohol obtained by fermentation or otherwise; to create a Department of "Alcoholic Beverage Control", and an "Alabama Beverage Control Board", and to define and provide for the functions, duties, and powers thereof; to provide for the appointment, suspension, removal, compensation, cost and expense of such Board and its members, officers, agents and employees; to provide for the manufacture, sale and distribution of such alcoholic beverages of an alcoholic content of over twenty-four (24%) percent by volume; to provide for the levying and collecting of an excise tax on the sale and distribution within this State of malt and vinous beverages of an alcoholic content of twenty-

four (24%) percent or less by volume; to provide for the sale and purchase at State Liquor Stores of alcoholic beverages of an alcoholic content in excess of twenty-four (24%) percent by volume; to authorize said Board to promulgate rules and regulations governing the manufacture, sale and possession of all such beverages within this State; to make it a misdemeanor for any person to purchase any such beverages from any person or persons, firm or corporation, except those authorized by this Act and by the Board under the provisions of this Act; to appropriate money for the administration of the Act and to provide for the disposition of the net profits collected under this Act; to provide for the confiscation and disposition of articles declared to be contraband; to impose penalties for violation of this Act; to repeal all laws and parts of laws in conflict hereto, and to provide that this Act shall constitute and be designated and cited as "The Alcoholic Beverage Control Act".

By a unanimous vote of the Senate, was made a Special, Paramount and Continuing Order of Business on the Call of the Calendar for the 12th Legislative Day, and that the Senate be called to order at 9:00 o'clock A. M. on the said Legislative Day.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Tenth Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the Tenth Legislative day approved by the Senate.

ADJOURNMENT

At 5:30 P. M., on motion of Mr. Walton and in accordance with joint resolution heretofore adopted, the Senate adjourned until Thursday, January 7, 1937, at 10 A. M.

ELEVENTH DAY

Thursday, January 7th, 1937.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The Session was opened with prayer by Rev. H. G. Earnest, Doorkeeper of the Senate.

ROLL CALL

Present:

Messrs.:

Bonner	Kuykendall	Rogers	Taylor
Browder	Locke	Russell	Thomas
Carlton	Mixon	St. John	Tucker
Chesnut	Mooneyham	Simpson	Walden
Dorsey	McConnell	Starnes	Walton
Frazer	Parrish	Stephens	Weaver
Goldsmjth	Richardson	Stoddard	Wellborn
Kelly	Riddle	Swift	Woodall

—32

JOURNAL

On motion of Mr. Rogers the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Rogers, leave of absence was granted Mr. McDowell for today.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bill with the engrossed and original bill respectively, and finds same correctly enrolled, to-wit:

S. 31. To fix the amount of the salary or compensation of the County Treasurer in any Counties of the State, having a population of not less than one hundred and ten thousand and not more than two hundred thousand, according to the last, or to any succeeding Federal Census; to provide the manner and method of its payment,

and to repeal all laws, general, special, or local, in conflict with the provisions of this Act.

Earl Thomas,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Wellborn:

S. 79. To create and establish a Board of County Commissioners in and for Calhoun County, Alabama, in the place and stead of the Board of Revenue in and for Calhoun County, Alabama, now existing in said county and abolishing said Board of Revenue of said county; to divide said County of Calhoun into five districts, fixing the boundaries of said districts, and to provide for the election of members of the said Board of County Commissioners; defining the jurisdiction of said Board of County Commissioners and fixing their compensation, and conferring upon said Board of County Commissioners all the jurisdiction, powers and authority granted by law to courts of county commissioners, boards of county commissioners, boards of revenue, or other governing boards of like kind and authority in the State of Alabama; constituting the first members of said Board of County Commissioners for said county, and providing for the election of their successors.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICES

AN ACT

To create and establish a Board of County Commissioners in and for Calhoun County, Alabama, in the place and stead of the Board of Revenue in and for Calhoun County, Alabama, now existing in said county and abol-

ishing said Board of Revenue of said county; to divide said County of Calhoun into five districts, fixing the boundaries of said districts, and to provide for the election of members of the said Board of County Commissioners and fixing their compensation, and conferring upon said Board of County Commissioners all the jurisdiction, powers and authority granted by law to courts of county commissioners, boards of county commissioners, boards of revenue, or other governing boards of like kind and authority in the State of Alabama; constituting the first members of said Board of County Commissioners for said county, and providing for the election of their successors.

BE IT ENACTED by the Legislature of Alabama:

Section 1. That the Board of Revenue of and for Calhoun County, Alabama, be and the same is hereby abolished and a Board of County Commissioners for Calhoun County, Alabama, be and the same is hereby created and established in lieu thereof, and the abolition of said Board of Revenue and the establishment of said Board of County Commissioners shall become effective upon the approval of this Act.

Section 2. That for the purposes of this act, said County of Calhoun is hereby divided into five districts, numbered respectively from one to five, both inclusive. District No. 1 shall embrace the following precincts of said county as now constituted, namely: Precincts Nos. 1, 3, 7, 19 and 24. District No. 2 shall embrace the following precincts of said county as now constituted, namely: Precincts Nos. 15 and 20. District No. 3 shall embrace the following precincts of said county as now constituted, namely: Precincts Nos. 2, 5, 6, 14, 18, 22 and 23. District No. 4 shall embrace the following precincts of said county as now constituted, namely: Precincts Nos. 8, 9, 10, 11 and 16. District No. 5 shall embrace the following precincts of said county as now constituted, namely: Precincts Nos. 4, 12, 13, 17 and 21.

Section 3. The members of the Board of Revenue of Calhoun County, as now constituted, who are now qualified and serving as members of said Board, shall constitute the first Board of County Commissioners of said county under the provisions of this Act, and the members of the Board of Revenue shall hold office as members of said Board of County Commissioners until the expiration of the respective terms for which they have heretofore been elected as members of the Board of Revenue of said county. The President of the present Board of Revenue of said county shall become and is hereby constituted the Chairman of the Board of Commissioners which is hereby created, and he shall hold office and serve as such chairman until the expiration of said term for which he was elected as President of the said Board of Revenue. At the expiration of said term for which the President of the Board of Revenue was elected and during which term under this Act he shall serve as President of the newly created Board of County Commissioners, the Judge of Probate of Calhoun County shall become the ex-Officio Chairman of said Board and ex-Officio Commissioner of District No. 2 as herein created, and his term of office as a member of said Board shall be concurrent with his term of office as Judge of Probate.

Section 4. At the general election to be held in November, 1938, and each four years thereafter, members of the said Board of County Commissioners shall be elected for the following districts: District No. 4 and District No. 3. At the general election to be held in November, 1940, and each four years thereafter, members of the said Board of County Commissioners shall be elected for the following districts: District No. 1 and District No. 5. The members of said Board of County Commissioners for each of said districts, except District No. 2, for which the Judge of Probate is the ex-officio commissioner, shall be a resident of said district for which he is elected and shall be a qualified elector of said county and shall be elected by the qualified voters of the entire county. He shall be over twenty-one years of age and of good moral character. The said members so elected shall hold office for a term of four years from and after the first day of January after

their election. Vacancies in office shall be filled by appointment by the Governor and any person appointed to fill a vacancy shall hold office for the unexpired term and until his successor shall be elected, as herein above provided. Any person appointed to fill a vacancy shall have the same qualifications as to residence and character as required of the elected members.

Section 5. The Board of County Commissioners shall meet in regular session on the first and third Mondays in each month and may hold special meetings at any time on the call of the Chairman of the Board. The Chairman and any two members, or any three associate members without the Chairman, shall constitute a quorum for the transaction of business. In case of absence of the Chairman of the Board from any meeting of said Board, the Board shall elect a member of the Board as temporary chairman of the meeting.

Section 6. The Chairman of the Board of County Commissioners shall be its presiding officer and shall sign the minutes of the proceedings of the Board and shall sign all warrants drawn on the County Treasurer, and all orders for the payment or disbursement of money or funds of the County. It shall be his duty to prepare the order of business and obtain information for the sessions of the Board and to see that all orders thereof are properly executed.

Section 7. The several members of said Board of County Commissioners, except the Judge of Probate when he becomes ex-officio member, shall receive as compensation for their services as such members the sum of One Thousand Two Hundred Dollars (\$1,200.00) per annum, being paid out of the county treasury in twelve monthly instalments of One Hundred Dollars (\$100.00) each, upon the warrant of the Chairman of said Board to be issued at the first meeting of said Board following the first day of the month. The Judge of Probate, for his services as ex-officio chairman and commissioner of District No. 2, shall receive as compensation for his services as such Two Hundred Dollars (\$200.00) per annum, being payable out of the county treasury in four equal quarterly instalments of Fifty Dollars (\$50.00) each, upon the warrants of the Chairman of said Board, to be issued at the first meeting of said Board following the first day of the quarter.

Section 8. The said Board of County Commissioners shall have the power and authority to employ such clerical assistance as the said Board deems necessary, paying reasonable compensation therefor.

Section 9. That the said Board of County Commissioners hereby created and established shall have all the powers and authority and shall be charged with all the duties now or hereafter conferred or imposed on courts of county commissioners, or boards of like jurisdiction, by the laws of this State.

Section 10. That all laws, or parts of laws, in conflict with the provisions of this Act, be and the same are hereby repealed.

State of Alabama,
County of Calhoun.

Before me, Clara B. Wright, Notary Public in and for said state and county, personally appeared Horace Wright, Editor of The Anniston Star, a daily newspaper published in Anniston in said state and county, who, being duly sworn, deposes and says that the attached notice relative to advertising for Calhoun County regarding Board of County Commissioners was published in The Anniston Star on December 9, 16, 23 and 30, 1936.

HORACE WRIGHT.

Sworn to and subscribed before me this fourth day of January, 1937.

CLARA B. WRIGHT,

Notary Public.

(Seal)

By Mr. Simpson:

S. 80. To amend the caption and Sections 2, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16 and 18 and to repeal Sections 21, 22 and 23 of an Act entitled, "An Act to establish a more humane system for caring for the needy aged in the State of Alabama and the several counties thereof by providing for old age pensions; to define the persons entitled thereto, and to provide for the ascertainment and determination of the qualifications of applicants therefor; to further provide for and regulate the payment of pensions under Article I of Chapter 55 of the Code of Alabama of 1923, as amended; to provide for the payment thereof; to make an appropriation for the same; to provide for a lien on the property of certain recipients of old age pensions and to provide for the enforcement thereof, to provide for the administration of such system and to define offenses against this Act and to fix punishment for such offenses; and to provide for cooperation with the Government of the United States and its agencies in caring for the needy aged; and to repeal all laws in conflict herewith," approved September 14, 1935.

Committee on Finance and Taxation.

By Mr. Simpson:

S. 81. To repeal an Act entitled, "An Act to amend an Act to establish a more humane system for caring for the needy aged in the State of Alabama and the several counties thereof by providing for old age pensions; to define the persons entitled thereto, and to provide for the ascertainment and determination of the qualifications of applicants therefor; to further provide for and regulate the payment of pensions under Article I of Chapter 55 of the Code of Alabama of 1923, as amended; to provide for the payment thereof; to make an appropriation for the same; to provide for a lien on the property of certain recipients of old age pensions and to provide for the enforcement thereof, to provide for the administration of such system and to define offenses against this Act and to fix punishment for such offenses; and to provide for cooperation with the Government of the United States and its agencies in caring for the needy aged; and to repeal all laws in conflict herewith, approved April 21, 1936."

Committee on Finance and Taxation.

By Mr. Mooneyham:

S. 82. To amend Section 368 of an Act entitled "an Act to provide for the General Revenue of the State of Alabama," approved July 10, 1935.

Committee on Finance & Taxation.

By Mr. Chesnut:

S. 83. To prevent the use of revenue, less the cost of collection, obtained from taxes on gasoline, naphtha, and other liquid motor fuels or any device or substitute therefor, commonly used in inter-

nal combustion engines as is provided for in Schedule 156.1 of House Bill 324, Approved July 10, 1935, for any purposes other than for the construction, improvement, and maintenance of highways and administrative expenses in connection therewith, including the retirement of bonds for the payment of which such revenues have been pledged, and for no other purposes.

Committee on Finance & Taxation.

By Mr. Chesnut:

S. 84. To further regulate absentee voting.

Committee on Privileges & Elections.

By Mr. Riddle:

S. 85. To alter and rearrange the boundaries of the town of Mignon, Talladega County, Alabama.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that the following bill will be introduced at a special session of the Legislature of Alabama, called to meet on the 23rd day of November, 1936:

A BILL TO BE ENTITLED

AN ACT

To Alter and Rearrange the Boundaries of the Town of Mignon, Talladega County, Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That the boundaries of the Town of Mignon, in the County of Talladega, State of Alabama, shall be altered and rearranged so as to include therein, in addition to the lands now included, the following described property, to-wit: Beginning at the Northwest corner of the Northwest quarter of the Northwest quarter of Section 29, Township 21, Range 4 East and running in a Southeasterly direction along the Eastern boundary line of the right-of-way of the Central of Georgia Railway Company until it intersects with the North boundary line of Eighth Street as shown upon the map of the Marble City Land & Furnace Company of the Town of Sylacauga on record in the office of the Judge of Probate of Talladega County in Plat Book No. 1, page 34, thence West along the Northern boundary line of said Eighth Street to Western Avenue, thence West across Western Avenue and across the Southeast quarter of Northeast quarter of Section 30, Township 21, Range 4 East to the Western boundary line of said forty, thence North to the Northern boundary line of said forty, thence East along the boundary line of said forty to Western Avenue, thence North along the Western line of Western Avenue to the point of beginning. Such boundaries of said Town other than changed by including said above described property shall remain as at present and the said territory included in said Town shall remain as at present except that in addition thereto shall be included the above described property.

Section 2. This Act shall take effect upon its passage and approval by the Governor.

STATE OF ALABAMA, }
TALLADEGA COUNTY. }

Before me, F. A. McWilliams, a Notary Public in and for said State and County aforesaid, personally appeared C. H. Greer, Editor and Publisher of the Sylacauga News, a weekly newspaper published at Sylacauga, Talladega County, Alabama, who, being duly sworn, deposes and says that the hereto attached notice of the proposed law set out therein was published in the Sylacauga News as above set out once a week for four consecutive weeks as follows, to wit: beginning November 20, 1936, and being published on such date and on November 27, December 4, and December 11th, in strict accordance with law in regard to publication of notice of the intention to introduce a local bill in the Legislature of Alabama.

CHAS. H. GREER.

Sworn to and subscribed before me this 21 day of December, 1936.

F. A. McWILLIAMS,

(Seal)

Notary Public.

By Mr. Stoddard:

S. 86. To authorize and empower the Board of County Commissioners of Pike County, Alabama, to transfer and assign, sell or pledge not more than one-third ($1/3$) of the County's part of the Gasoline taxes now or hereafter levied by the State of Alabama and divided among the sixty-seven counties of the state, for a period not exceeding fifteen (15) years, and to authorize the issuance and sale of warrants, securities, debentures or assignments of said taxes, and to provide for the payment of such warrants, debentures, securities or assignments out of such county's part of such gasoline taxes; and to provide for the use of such proceeds of sale of such securities in the construction, maintenance, repair surfacing, hard surfacing, or re-surfacing of roads and bridges, and the matching of funds with the State of Alabama and/or the United States of America, for Highway and Bridge purposes; and to further provide for authority for the County for the deposit of such proceeds with the State of Alabama for Highway or bridge purposes.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that there will be introduced and sought to be passed at the present session of the Legislature of Alabama, which met on November 23rd 1936, the following local bill, to-wit:

A BILL

To be entitled an Act.

To authorize and empower the Board of County Commissioners of Pike County, Alabama, to transfer and assign, sell or pledge not more than one-

third (1-3) of the County's part of the Gasoline taxes now or hereafter levied by the State of Alabama and divided among the sixty-seven counties of the state, for a period not exceeding fifteen (15) years, and to authorize the issuance and sale of warrants, securities, debentures or assignments of said taxes, and to provide for the payment of such warrants, debentures, securities or assignments out of such county's part of such gasoline taxes; and to provide for the use of such proceeds of sale of such securities in the construction, maintenance, repair, surfacing, hard surfacing, or resurfacing of roads and bridges, and the matching of funds with the State of Alabama and/or the United States of America, for Highway and Bridge purposes; and to further provide for authority for the County for the deposit of such proceeds with the State of Alabama for Highway or bridge purposes.

Section One

That the Court of County Commissioners of Pike County shall have authority by resolution legally passed and adopted at any legal meeting of such Court or Board to issue County warrants, debentures, certificates, or orders, or other like forms of securities against one-third (1-3) of such county's part of the Gasoline Taxes levied by the State of Alabama and allocated or divided among the sixty-seven counties of this State herein described for a period of not more than fifteen (15) years, such securities to be in such denominations and with such maturities, and to bear such rate of interest, not exceeding five (5%) per cent per annum, as the Court of County Commissioners may determine, and said securities, when so issued may be sold at public sale, either in whole or in part as the money may be needed by such County for the purpose described in this Act, notice of such sale to be given by publication in a newspaper in said County at least twice; and in a like manner, such securities may be sold at private sale; but no notice shall be given if sold to an agency of the Federal Government and to provide further that said securities may be delivered to any contractor or material or equipment man, or other persons furnishing labor, materials or supplies to Pike County for road and Bridge work described in this Act; or may be delivered to the State of Alabama.

Section Two

That said securities shall not be sold for less than par. That the general faith and credit of the County shall not be pledged to the payment of such securities nor shall such securities be a general obligation of said County, but that the holder of said securities shall look solely for the payment of said securities to the gasoline tax herein described, and said securities and resolutions authorizing their issuance may pledge to the holder of such warrants not more than one-third (1-3) of the County's part of such gasoline tax accruing to Pike County and issuing the same for not more than fifteen (15) years; and if such warrants or securities are so issued, no part of the gasoline tax allocated to said County and so pledged and assigned to the payment of such securities or warrants shall be used for any other purpose except the payment of such warrants or securities.

Section Three

The warrants or securities issued under this Act and under the Authority of the Court of County Commissioners shall have priority over each in the order of their issuance.

Section Four

That Pike County, through its Board of County Commissioners, is hereby authorized to use such gasoline tax or the proceeds of warrants or securi-

ties issued and sold against the same for the construction, maintenance, repair, hard surfacing, surfacing or re-surfacing, grading and draining of roads, streets, bridges and causeways, and to secure right of ways in said county and to join with the State of Alabama or the United States of America or both in the above and for the payment of interest and principal of any warrant or securities issued under the authority of this Act by such County authorities.

Section Five

That all laws and parts of laws in conflict with this Act, be and the same are hereby repealed.

Section Six

That if any part, section or clause of this Act is unconstitutional, it shall not affect the remaining parts of this Act.

Section Seven

That this Act shall go into effect on its approval by the Governor.

THE STATE OF ALABAMA }
PIKE COUNTY }

Before me, Howard Johnston, a Notary Public in and for said State and County, personally appeared A. C. McKinnon, who being sworn, deposes and says on oath, that he is the Publisher of THE TROY MESSENGER, a newspaper published daily except Sunday, in the City of Troy, Pike County, Alabama, and that the foregoing attached notice A local bill pertaining to Pike County. was published in said newspaper 4 times, the same appearing in the issues dated: December 10, 17, 24 and 31, 1936.

A. C. McKINNON.

Sworn to and subscribed before me this the 6th day of January, 1937.

(Seal)

HOWARD JOHNSTON,
Notary Public, Pike County, Ala.

REPORTS OF COMMITTEES

Mr. Simpson, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Hendley:

H. 74. To amend an Act No. 181 of the Legislature of Alabama approved April 21, 1936, entitled "An Act to authorize the governing bodies of the counties in this State to fund or refund indebtedness of such counties outstanding on October 1, 1935, by the issuance of funding or refunding warrants; to provide the time within which such funding or refunding warrants shall mature and the maximum rate of interest thereon; and to provide that such interest shall be payable semi-annually and may be evidenced by coupons. This Act shall not apply to Counties now or hereafter having a population of 90,000 or more according to the last or

any succeeding Federal Census, "by amending Sections 1 and 2 thereof.

Mr. Russell, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Mooneyham (with substitute):

S. 75. To amend Schedule 22 of Section 348, Article XIII, Chapter 1, of an Act entitled "An Act to provide for the General Revenue of the State of Alabama" approved July 10, 1935.

By Mr. Todd (with amendment):

H. 42. To amend Schedule 158.5 of Chapter 6, Article 13, of an act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

By Mr. Welch:

H. 87. To amend Section 145 of Article V of an act entitled, "An Act to provide for the general revenue of the State of Alabama, Approved July 10, 1935."

Mr. Rogers, Acting Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendment, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Woodall (with substitute):

S. 63. To propose an amendment to the Constitution of Alabama to be known as Article _____, prohibiting the State, the several counties and municipalities and other political subdivisions and instrumentalities thereof from using or expending funds derived from taxes and licenses on gasoline, other liquid motor fuels, or substitutes therefor, automobiles, trucks, busses, and other motor vehicles, excepting revenues derived from driver's license fees and motor vehicle ad valorem taxes, including any tax or license based upon any gallonage or other amount or quantity levied upon any distributor, wholesaler, refiner, broker, retail dealer, seller, receiver or storer of gasoline, other liquid motor fuels or substitutes therefor whether such distributor, wholesaler, refiner, broker, retail dealer, seller, receiver or storer is a person, corporation, co-partnership, agency, company, association, county or counties, municipalities and other political subdivisions and instrumentalities of the State for purposes or uses, after deduction of cost of collection and administration, other than the following: construction, improvement and/or maintenance of public roads, streets, highways and bridges

and retirement of indebtedness and interest thereon occurred in such construction, improvement and/or maintenance of such public roads, streets, highways and bridges by the State and any or all of the several counties and municipalities and other political subdivisions or instrumentalities thereof. Such amendment shall not apply to any use of such taxes, licenses or funds for the retirement of indebtednesses and interest thereon occurred in uses other than for the construction, improvement and/or maintenance of such public roads, streets highways and bridges allowed by any law or laws in existence and effect prior to the adoption of this amendment.

The above bill was read a second time at length as required by the Constitution.

Mr. Wellborn, Chairman of the Standing Committee on Banking, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Staples:

H. 63. To amend an act entitled "An Act to prescribe legal investments of trust funds by fiduciaries" Approved Feby. 8, 1935.

Mr. Frazer, Chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Simpson:

S. 6. To create and establish a state-wide Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or part from the public funds of the State of Alabama; to create a State Citizen Supervisory Commission and to create a State Personnel Board and other agencies for the supervision and administration of said System; to define the scope and extent of said System and the powers, duties and authority of said Commission, Board and other agencies; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such Personnel; to provide for payment of the expenses of each such agency; to provide penalties for the violation of this Act and of rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof.

By Mr. Simpson:

S. 54. To provide for State registration of Medical Technologists.

Mr. Parrish, Chairman of the Standing Committee on Public Health, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Walton:

S. 71. For the protection of human beings against rabies, to require inoculation against rabies of all dogs running at large, to provide for the apprehension and disposition of dogs running at large which have not been inoculated in accordance with the provisions of this Act, to provide for the confinement of bitten dogs, and dogs that have bitten human beings, to provide a means of enforcement of the provisions of this Act, the appointment of a Rabies Inspector, to fix fees for inoculation of dogs, and to fix penalties for the violation of the provisions hereof.

By Mr. Hill (with amendment):

H. 103. To provide assistance to needy blind persons; to define who is eligible for such assistance; to authorize the State Department of Public Welfare to administer such assistance; to authorize the County Departments of Public Welfare to administer such assistance under the supervision of the State Department of Public Welfare in the several counties; to provide that county boards of revenue or courts of county commissioners or other governing bodies of the counties shall appropriate funds for assistance to needy blind persons; to provide for the allocation of funds to the counties by the State Department for the purposes of this Act; to define offenses against this Act and to fix punishments for such offenses; to provide for cooperation with the government of the United States and its agencies in caring for the needy blind; and to repeal all laws in conflict herewith.

RESOLUTION

The Rules Committee reported the following joint resolution:

S. J. R. 20. BE IT RESOLVED BY THE SENATE, the House concurring, that when the two houses adjourn today, they adjourn to meet again on Friday, January 8, 1937 at 9 o'clock A. M.

Which was adopted.

BILLS ON THIRD READING

The bill:

S. 2. To repeal an Act entitled an Act "For the protection of human beings against rabies, to require inoculation against rabies

of all dogs running at large, to provide for the apprehension and disposition of dogs running at large which have not been inoculated in accordance with the provisions of this Act, to provide for the confinement of bitten dogs, and dogs that have bitten human beings, to provide a means of enforcement of the provisions of this act, the appointment of a Rabies Inspector, to fix fees for inoculation of dogs, and to fix penalties for the violation of the provisions hereof," approved September 13, 1935.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 17; Nays, 8.

Yeas:

Messrs.:

Browder

Carlton

Chesnut

Mixon

McConnell

Parrish

Richardson

Riddle

Rogers

Russell

Stephens

Swift

Taylor

Thomas

Tucker

Walton

Weaver

—17

Nays:

Messrs.:

Bonner

Dorsey

Kelly

Locke

St. John

Simpson

Walden

Wellborn

— 8

The bill:

H. 97. To amend Section 992 of the Code of Alabama of 1923, as amended by an Act approved February 5, 1935, and September 13th, 1935, so as to read as follows:

Was read a third time at length and passed.

Yeas, 24; Nays, 1.

Yeas:

Messrs.:

Bonner

Browder

Carlton

Chesnut

Dorsey

Kelly

Locke

Mixon

McConnell

Richardson

Riddle

Rogers

Russell

Simpson

Starnes

Stoddard

Swift

Taylor

Thomas

Tucker

Walden

Walton

Weaver

Wellborn

—24

Nay: Mr. Parrish

— 1

The bill:

S. 28. To provide for the granting of a free scholarship in certain schools of the State of Alabama, to the value of one hundred dollars each year, upon the donation to the State by the American Legion or the American Legion Auxiliary of the State of Alabama of the sum of twelve hundred and fifty dollars for the securing of each such scholarship.

Was taken up.

Mr. Tucker offered the following amendment to said bill, to-wit:

By striking out the word "University" wherever it may appear and substituting the words "University of Alabama."

Which was adopted.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Bonner	Mixon	Simpson	Tucker
Browder	Parrish	Starnes	Walden
Carlton	Richardson	Stoddard	Walton
Dorsey	Riddle	Swift	Weaver
Kuykendall	Rogers	Taylor	Wellborn
Locke	Russell	Thomas	

—23

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Browder	Mooneyham	Simpson	Tucker
Carlton	Parrish	Starnes	Walden
Dorsey	Richardson	Stephens	Walton
Kelly	Riddle	Stoddard	Weaver
Kuykendall	Rogers	Swift	Wellborn
Locke	Russell	Taylor	Woodall
Mixon	St. John	Thomas	

—27

Nays:—None.

The bill:

S. 42. To prohibit owners or managers of cattle or livestock to permit such cattle or livestock to run at large upon the highways of this State, to fix the liability of owners or managers of cattle or livestock running at large, to provide for proceedings for the enforcement of such liability, for the impoundment of cattle or livestock running at large upon the highways of this State, to fix a penalty for the violation of said provisions, and to repeal all laws in conflict with this Act.

Was taken up.

The Standing Committee on Public Roads and Highways offered the following substitute for said bill, to-wit:

S. 42. A bill to be entitled an act to prohibit owners or managers of cattle or livestock to permit such cattle or livestock to run at large upon State or Federal Highways in this State, to fix the

liability of owners or managers of cattle or livestock running at large, to provide for proceedings for the enforcement of such liability, for the impoundment of cattle or livestock running at large upon the highways of this State, to fix a penalty for the violation of said provisions, and to repeal all laws in conflict with this Act.

Be it enacted by the Legislature of Alabama:

Section 1. It shall be unlawful for the owner or manager of any horse, mule, ass, jennet, swine, sheep, goat, cow or any other cattle or livestock to knowingly, voluntarily, negligently or willfully permit said animals, or any of them, to run or go at large upon the highways of this State.

Section 2. The owner or manager of any such animal or animals so permitted to run or go at large upon State or Federal Highways in this State in violation of the provisions of this Act, shall be subject to a fine of not less than One (\$1.00) Dollar and not more than Fifty (\$50.00) Dollars for each offense.

Section 3. The governing bodies of the several counties of this State must designate as many places of impoundment as in their judgment they deem necessary, and appropriate funds to meet the expenses thereof. Provided, however, that all such places of impoundment shall be located within a short distance of a State or Federal Highway.

Section 4. Whenever any such animal or animals shall be found upon State or Federal Highways in this State it shall be the duty of all law enforcement officers of this State including the Alabama Highway Patrol to take possession of such animal or animals and take it or them to a convenient place of impoundment in the county.

Section 5. Whenever any such animals are received in a place of impoundment, the poundkeeper shall notify the owner or manager of such animal or animals personally, or by leaving a written notice at the usual place of residence of such owner or manager, when known, within twenty-four hours after the seizure of such animal or animals. Such written notice shall set out the name of the officer seizing the animal or animals, the number and description as to kind of animals so seized, and the total amount of charges. If said owner or manager fails to pay the amount claimed within forty-eight hours after such notice, the poundkeeper may proceed as herein provided for when the owner or manager is unknown. If the owner or manager is unknown, the keeper of the pound shall, within five days after the animal or animals are received at the place of impoundment, file a statement in writing with the justice of peace, or any court of similar jurisdiction, of the precinct in which the animal or animals were seized by the officer, or if none therein, with a justice of the peace, or such court, of an adjoining precinct, setting forth the name of the officer making the seizure, a description as to kind, sex and color of the animal or

animals so seized, when seizure was made, amount claimed for seizure, damages and care.

Section 6. If only one such animal is seized, a seizure fee of One (\$1.00) Dollar must be charged, and fifty (50c) cents for each animal, if more than one such animal is seized, in addition a reasonable charge for the care of such animal or animals.

Section 7. The officer bringing any such animal to the place of impoundment shall be entitled to one-half of the seizure fee so charged. The other half of the said seizure fee together with all amounts collected for the care of such animals shall be paid into the general fund of the county.

Section 8. Condemnation; Judgment. — Whenever the statement provided for in the preceding section has been filed, the justice of the peace or court shall thereupon immediately proceed to inquire and ascertain the amount of such charges, for seizure, damages and charges for care, and if he finds that the animal or animals were on the aforementioned highways in violation of the provisions of this Act, he shall make and enter on his docket in substance —It appearing on complaint of A. B. that (setting out the animal or animals) was unlawfully on a State or Federal Highway in this State, and that the owner or manager C. D. has failed to pay the amount due for seizure, damages and care (or that the owner or manager is unknown), and that C. D. is liable for..... Dollars for seizure charges, damages and charges for care of said animal (or animals), and that the said animal (or animals) be sold for the satisfaction thereof, at o'clock on the day of at..... (giving place of sale).

Section 9. Sale Under Order.—When such owner or manager has not, after said order is entered filed bond and notice of appeal, or has not paid the amount set out in the order and all costs, within twenty-four hours after the making of said Order, then the justice of peace, or court, shall post or cause to be posted a copy of said Order at three public places in the precinct in which the seizure was made for at least five days before the date set in said Order for the sale. At the time set for sale, if the owner or manager has not paid all costs and the amount set out in the Order, said justice of the peace, or court, shall sell or cause to be sold such animal or animals at the place and time ordered by public outcry. Out of the proceeds of such sale, he shall pay all costs and the amount contained in the Order. If there be any surplus it shall be paid to said owner or manager, if known, and if unknown, then to the County Treasurer. The justice of the peace shall be entitled to fifty (50c) cents for making the Order of sale, and One (\$1.00) Dollar for making such sale and posting the notices.

Section 10. If Stock not Unlawfully at Large, Dismissal.—If on trial of any suit or proceeding brought hereunder it is ascer-

tained and adjudged by the justice of the peace that the animal or stock taken up by the officer was not unlawfully at large upon the aforementioned highways, he shall render a judgment directing that such stock or animal be discharged.

Section 11. Owner Has Possession on Making Bond.—The owner or manager of any animal or animals which has been seized as provided herein shall have the right to the possession of the same by paying a seizure fee of One (\$1.00) Dollar together with reasonable costs of care, or by paying the amount set out in the Order and costs, and charges for the care of the same after the making of the Order. Should the owner or manager dispute the amount of damages, charges and costs, he shall have the right to go before any justice of the peace, or court, of similar jurisdiction, within the precinct where such animal or animals is seized, and have the issue tried instantly or as soon as practicable, first giving one day's notice thereof. The validity of such seizure and the amount of damages, charges for seizure, costs and expenses under the provisions of this Act shall be determined at such trial, and judgment rendered by said justices or other court shall be enforceable in the same manner as any other judgment of said court. The owner or manager of the animal or animals seized may give bond in double the value of the same, payable to the county in which the seizure is made, to be approved by the justice of the peace, or court, conditioned to deliver such property to the justice of the peace or court, as ordered, within twenty-four hours after such order to satisfy all costs and expenses, damages, seizure charges, and charges for care of the same. Upon the filing of said bond with the justice of the peace, or court, said owner or manager shall be entitled to possession of the animal or animals.

Section 12. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 13. This Act shall take effect immediately upon its passage and approval.

Mr. Frazer moved to indefinitely postpone said bill, S. 42, and the pending substitute. Mr. Taylor moved to table the motion to indefinitely postpone, which motion prevailed, and the Senate refused to postpone said bill and pending substitute.

Yeas, 17; Nays, 13.

Yeas:

Messrs.:

Browder

Chesnut

Dorsey

Kelly

Kuykendall

McConnell

Parrish

Richardson

Russell

St. John

Starnes

Stephens

Taylor

Thomas

Walton

Weaver

Woodall

Nays:

Messrs.:

Bonner

Carlton

Frazer

Goldsmith

Locke

Mixon

Mooneyham

Rogers

Simpson

Swift

Walden

Walton

Wellborn

—13

The question then recurred on adoption of the substitute for said bill, which substitute was adopted.

Yeas, 18, Nays, 13.

Yeas:

Messrs.:

Browder

Chesnut

Dorsey

Kelly

Kuykendall

Mooneyham

McConnell

Parrish

Richardson

Russell

St. John

Starnes

Stephens

Taylor

Tucker

Walton

Weaver

Woodall

—18

Nays:

Messrs.:

Bonner

Carlton

Frazer

Goldsmith

Locke

Mixon

Rogers

Simpson

Stoddard

Swift

Thomas

Walden

Wellborn

—13

And said bill, as thus amended, was read a third time at length and lost by failure to receive the required Constitutional Majority.

Yeas, 17; Nays, 14.

Yeas:

Messrs.:

Browder

Chesnut

Dorsey

Kelly

Kuykendall

McConnell

Parrish

Richardson

Russell

St. John

Starnes

Stephens

Taylor

Tucker

Walton

Weaver

Woodall

—17

Nays:

Messrs.:

Bonner

Carlton

Frazer

Goldsmith

Locke

Mixon

Mooneyham

Rogers

Simpson

Stoddard

Swift

Thomas

Walden

Wellborn

—14

The bill:

S. 35. To repeal sections 405, 406, 407, 408, 409, 410, 411 and 412 of the Code of Alabama of 1923, and repeal an act entitled "An act to further regulate the voting of absentee ballots in the State of Alabama; to prohibit the Judges of Probate and other officers from handling absentee ballots in elections where such officers are candidates; to provide for and require elections officers for handling and tabulating absentee ballots; to provide for the punishment of violations; and to repeal such parts of present laws as are in conflict herewith", approved April 19, 1933.

Was read a third time at length and lost by failure to receive the required Constitutional Majority.

Yeas, 17; Nays, 14.

Yeas:

Messrs.:

Bonner	Kelly	Richardson	Taylor
Carlton	Locke	Rogers	Thomas
Dorsey	Mixon	St. John	Walden
Frazer	McConnell	Stoddard	Woodall
Goldsmith			

—17

Nays:

Messrs.:

Browder	Parrish	Starnes	Tucker
Chesnut	Riddle	Stephens	Walton
Kuykendall	Russell	Swift	Weaver
Mooneyham	Simpson		

—14

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following:

By Rules Committee:

S. J. R. 20. Relative to the Houses adjourning today to meet again on Friday, January 8, 1937, at 9 o'clock A. M.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Arnold:

H. 110. To amend an Act approved November 9, 1932, as found on pages 302 and 303 of the Acts of the Legislature of Alabama, extra Session 1932, entitled An Act "To amend An Act entitled An Act to amend Section 56 of An Act (No. 56) enacted by the Legislature of Alabama, approved February 25, 1932, to provide for and regulate and control Primary Elections for the nomination by Political Parties of candidates for public office within the State of Alabama, as found on page 755 of the Acts of the Legislature of Alabama of 1931."

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read one time at length and referred to appropriate Standing Committee as follows:

H. 110. To the Committee on Privileges and Elections.

BILLS ON THIRD READING RESUMED

The bill:

S. 24. To amend Sections 1, 2, 5 and 6 of an Act entitled "An Act to Promote the Objects of the National Housing Act by authorizing banks, savings banks, trust companies, insurance companies and building and loan associations to make loans pursuant to Titles I and II of the National Housing Act, and by authorizing banks, savings banks, trust companies, insurance companies, building and loan associations, to invest in mortgages insured, and in debentures issued, by the Federal Housing Administrator, and to invest in securities of National Mortgage Associations," approved January 31, 1935, as amended by an Act approved August 15, 1935, and as further amended by an Act approved April 15, 1936, for clarification purposes.

Was taken up.

Mr. Simpson offered the following amendment to said bill, to-wit:

To amend Senate bill No. 24 by striking out the following words "or by any regulations issued by him" from Section 5.

To further amend same by striking out Section 6 and substituting the following:

Section 6. Wherever, by statute of this state, collateral is required as security for the deposit of public or other funds; or deposits are required to be made with any public official or department; or an investment of capital or surplus, or a reserve or other fund, is required to be maintained consisting of designated securities, notes and bonds insured by the Federal Housing Administrator and debentures issued by the Federal Housing Administrator and obligations of national mortgage associations shall be acceptable at face value for such purposes.

Which was adopted.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Browder

Chesnut

Dorsey

Kuykendall

Frazer

Goldsmith

Kelly

Locke

Mixon

Mooneyham

McConnell

Richardson

Riddle	Simpson	Taylor	Walton
Rogers	Starnes	Thomas	Weaver
Russell	Stephens	Tucker	Wellborn
St. John	Stoddard	Walden	Woodall

—28

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Browder	Mixon	St. John	Thomas
Carlton	Mooneyham	Simpson	Tucker
Chesnut	McConnell	Starnes	Walden
Dorsey	Richardson	Stephens	Walton
Frazer	Riddle	Stoddard	Weaver
Goldsmith	Rogers	Swift	Wellborn
Kuykendall	Russell	Taylor	Woodall
Locke			

—29

Nays:—None.

The bill:

H. 125. To authorize Dallas County, through its Court of County Revenues, or other governing body, to build, rent lease, contract for the use of, or, acquire in any manner it may choose, and under any contract that it may deem advisable, a jail for the use of said County, whether with or in conjunction with the City of Selma, or otherwise, and to ratify any contract which may have heretofore been made.

Was read a third time at length and passed.

Yeas, 32; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers	Taylor
Browder	Locke	Russell	Thomas
Carlton	Mixon	St. John	Tucker
Chesnut	Mooneyham	Simpson	Walden
Dorsey	McConnell	Starnes	Walton
Frazer	Parrish	Stephens	Weaver
Goldsmith	Richardson	Stoddard	Wellborn
Kelly	Riddle	Swift	Woodall

—32

Nays:—None.

The bill:

H. 147. To Amend the Act entitled "An Act to provide for the consolidation of the administration and control of the public school

systems in any county of not less than seventy-five thousand nor more than one hundred thousand population according to the last or any succeeding Federal Census; to establish a Board of Education, in lieu of all other city and county Boards of Education in such counties, and provide for the manner of its selection and to define its authority." approved September 6, 1927, so as to confer additional authority for the issue of refunding warrants.

Was read a third time at length and passed.

Yeas, 32; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers	Taylor
Browder	Locke	Russell	Thomas
Carlton	Mixon	St. John	Tucker
Chesnut	Mooneyham	Simpson	Walden
Dorsey	McConnell	Starnes	Walton
Frazer	Parrish	Stephens	Weaver
Goldsmith	Richardson	Stoddard	Wellborn
Kelly	Riddle	Swift	Woodall

—32

Nays:—None.

The bill:

S. 27. To provide a fee to be paid the sheriff or other person who furnishes the evidence in all cases of a conviction for a violation of any provision of Chapter 142 of the Criminal Code of Alabama of 1923, and to provide the manner of payment.

Was taken up.

The Standing Committee on Revision of Laws offered the following amendment to said bill, to-wit:

By striking the words "Fifty Dollars" wherever said words appear in said bill and inserting in lieu thereof the words "Ten Dollars."

Which was adopted.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:

Browder	McConnell	Simpson	Tucker
Chesnut	Parrish	Starnes	Walden
Frazer	Richardson	Stephens	Walton
Goldsmith	Riddle	Stoddard	Weaver
Locke	Russell	Swift	Wellborn
Mixon	St. John	Taylor	Woodall
Mooneyham			

—25

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 25; Nays, 1.

Yeas:

Messrs.:

Browder	Mooneyham	St. John	Taylor
Chesnut	McConnell	Simpson	Tucker
Dorsey	Parrish	Starnes	Walton
Frazer	Richardson	Stephens	Weaver
Goldsmith	Riddle	Stoddard	Wellborn
Locke	Rogers	Swift	Woodall
Mixon			

—25

Nay: Mr. Walden

— 1

RECESS

At 12:30 P. M., on motion of Mr. Riddle, the Senate took a recess until 2 o'clock this afternoon.

AFTERNOON SESSION—ELEVENTH DAY

Thursday, January 7th, 1937.

The Senate re-assembled at 2 P. M., Lieutenant-Governor Knight presiding.

ROLL CALL

Present:

Messrs.:

Bonner	Kuykendall	Rogers	Thomas
Browder	Locke	Russell	Tucker
Carlton	Mixon	St. John	Walden
Chesnut	Mooneyham	Simpson	Walton
Dorsey	McConnell	Starnes	Weaver
Frazer	Parrish	Stephens	Wellborn
Goldsmith	Richardson	Swift	Woodall
Kelly	Riddle	Taylor	

—31

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. St. John:

S. 87. To repeal Section 631 of the Alabama School Code, adopted by an act of the Legislature of Alabama, approved August 27, 1927.

Committee on Education.

REPORTS OF COMMITTEES

Mr. Stephens, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Denson:

H. 89. To provide for the granting of a free scholarship in certain schools of the State of Alabama, to the value of one hundred dollars each year, upon the donation to the State by the American Legion or the American Legion Auxiliary of the State of Alabama of the sum of twelve hundred and fifty dollars for the securing of each such scholarship.

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Chichester:

H. 60. To permit the playing and operating of moving picture shows on Sunday, whether admission is charged thereto or not, in all incorporated cities or towns in Counties having a population of one hundred and fifty thousand or more inhabitants according to the last or any subsequent Federal Census, and within the police jurisdiction thereof; to provide that the governing body of any such city may, by ordinance prohibit any or all of the acts herein named.

By Mr. Connor:

H. 131. To create in each city of the State of Alabama having a population of one hundred thousand or more according to the last or any subsequent Federal census a Pension and Relief Fund for all employees of such city governed under civil service rules and regulations and for certain other officers and employees of such city who may elect to come under the provisions of this Act, and for the widows of such officers and employees, to provide for a custodian of said Fund and to provide for the investment, protection, management and distribution of said fund by a Board of Managers.

By Mr. Douglas:

H. 160. To amend Section 2 of an Act "To further prescribe the duties of County Treasurers in Counties of more than two hundred thousand population according to the last or any subsequent preceding Federal Census; to provide for clerical assistance

for such treasurers for the employment of attorneys to advise and represent such treasurers, and for the compensation of such treasurer, assistant, and attorney; and to require the deposit of county funds," approved October 31, 1921.

By Mr. Rogers:

S. 77. For the relief of William J. O'Connor as official stenographer for the State Solicitor for the Thirteenth Judicial Circuit of Alabama (Mobile County); to provide compensation for the months of June, July, August and part of September, 1935, to be paid out of the General Funds of Mobile County, Alabama; to provide for said official stenographer to draw a warrant on the Treasurer of Mobile County, Alabama, for said compensation and to direct the Treasurer of Mobile County, Alabama, to register and pay said warrant out of the County Treasury of Mobile County, Alabama, as a preferred claim.

By Mr. Rogers:

S. 78. To amend Section 1 of an act entitled "To provide for a more economical, convenient and uniform system of assessing and collecting taxes on real estate, including the enforcement of tax liens, in all Counties having a population of 110,000 or more, according to the last, or any succeeding Federal Census," so as to provide for a minimum population of not less than 200,000 people.

By Messrs. Kirby and O'Neal:

H. 151. To repeal an Act that the Legislature of 1927 authorized the County Commissioners Board of Revenue of like governing body of Jackson County, Alabama to levy and collect an excise tax on gasoline, Woco Pep or any substitute thereof not exceeding three cents per gallon, to authorize such, To provide when this Act shall go into effect court of County Commissioners or Board of Revenue or other like governing bodies of said County to provide the machinery for the collection of said tax.

By Mr. Street:

H. 150. To require the Board of Revenue of Tallapoosa County, Alabama, or other like governing Board of said County, to pay for the publication of the notice of each and every local bill heretofore introduced at the present session of the Legislature of Alabama, or which may hereafter be introduced at the present session of any subsequent session of the Legislature of Alabama, for or which applies alone to the said County of Tallapoosa and out of any money in the Treasury of said County not otherwise appropriated; provided the notice so published is signed by one or both of the Representatives of the said County or by the State Senator from the tenth Senatorial District.

By Mr. Rayburn:

H. 142. To authorize, empower, and direct the City of Guntersville, Alabama, to sell and convey to the United States of America title to that certain real estate owned by the City of Guntersville, Alabama, and known as the airport property, which is described as follows, to wit: A tract of land lying in Marshall County, State of Alabama, on the right side of the Tennessee River, in Township 7 South, Range 3 East, and more particularly described as follows: the southwest quarter of the southwest quarter of Section 25 and the west half of the southeast quarter of the southwest quarter of Section 25. All of the above described land contains 70 acres, more or less; and To authorize, empower, and direct said City of Guntersville, Alabama, to make, enter into, execute, and deliver all contracts, deeds, instruments, and other documents necessary and proper to enable said City of Guntersville, Alabama, to convey satisfactory title to the United States of America; to ratify and confirm all contracts heretofore made and entered into by the said City of Guntersville, Alabama, with the United States of America and/or the Tennessee Valley Authority for the sale of said real estate; and to vacate and annul all rights of the public in and to said land.

Mr. Walton, Chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Chichester:

H. 61. To amend Section 3 of "An Act to require each and every motor vehicle operated upon the city streets and public highways of Alabama to have and keep attached and plainly visible at all times on both ends of the motor vehicle a license tag as prescribed and furnished by the state tax commission and to prescribe the punishment for violations of this act," approved September 14, 1935.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Hill:

H. 62. To provide for the disposition of all fines and penalties arising out of the violation of the provisions of Chapter 142 of the 1923 Code of Alabama.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read one time at length and referred to appropriate Standing Committee as follows:

H. 62. To the Committee on Revision of Laws.

BILLS ON THIRD READING

The bill:

S. 47. To regulate and provide for school financing, school warrants and school tax elections and to safeguard the credit of county and city boards of education by authorizing county boards of education to issue warrants for the purpose of funding certain valid indebtedness, by validating, ratifying, approving and confirming certain warrants heretofore issued by any county or city board of education, by authorizing the issuance of warrants to refund certain of said warrants, and by validating, ratifying, approving and confirming certain school tax elections and to repeal conflicting laws.

Was taken up.

Mr. Woodall offered the following substitute for said bill, to-wit:

S. 47. A bill to be entitled an act to regulate and provide for school financing, school warrants and school tax elections and to safeguard the credit of county and city boards of education by authorizing county boards of education to issue warrants for the purpose of funding certain valid indebtedness, by validating, ratifying, approving and confirming certain warrants heretofore issued by any county or city board of education, by authorizing the issuance of warrants to refund certain of said warrants, and by validating, ratifying, approving and confirming certain school tax elections and to repeal conflicting laws.

Be it enacted by the Legislature of Alabama:

Section 1. In any county in which a special county tax shall have been voted under the Constitution for such purpose or for school purposes generally, and in any school district in which a special district tax shall have been voted under the Constitution for such purpose or for school purposes generally, the county board

of education or the city board of education or other body exercising the function of a board of education as the case may be, with the approval of the State Superintendent of Education may issue and sell before October 1, 1937, but not thereafter, funding warrants for the purpose of paying any valid indebtedness (other than warrants constituting a preferred claim on such tax) of such board of education outstanding on September 30, 1935. Such funding warrants shall be governed by the provisions of Act. No. 94, General Laws of Alabama, approved April 6, 1936, entitled "An Act to regulate school warrants, school finances, and school tax elections, to validate certain school warrants and indebtedness, and to repeal laws in conflict therewith."

Section 2. Insofar as any refunding warrants issued under the provisions of this Act may be concerned, all warrants issued or purporting to have been issued prior to October 1, 1936, by any county or city board of education or body having similar functions and powers in any county or city in order to erect, repair, enlarge or equip school buildings, under the authority of Article XIII of the Alabama School Code of 1927, and to be a claim on any school tax, the principal and interest of which payable in any year exceed any limitation imposed by Section 281 of said School Code, are hereby validated, ratified, approved, and confirmed as binding, legal, valid and enforceable obligations of the issuing board or body, in accordance with the terms thereof and as binding, legal, valid and enforceable claims upon the tax or taxes in anticipation of the collection of which they were issued, notwithstanding any such failure to comply with said Section 281. If in any year the proceeds of any such tax shall be insufficient for the payment of such principal of and interest on any such warrants, such issuing board or body is hereby authorized to use and apply any other available funds for the payment of such deficiency.

Section 3. In order to facilitate the payment of the principal of and interest on any warrants mentioned in Section 2 of this Act, such county or city boards of education or bodies having similar functions and powers in any county or city are hereby empowered and authorized to refund any such warrants by the issuance of refunding warrants. Such refunding warrants shall be governed by the provisions of Act No. 94, General Laws of Alabama, approved April 6, 1936, entitled "An Act to regulate school warrants, school finances, and school tax elections, to validate certain school warrants and indebtedness, and to repeal laws in conflict therewith"; provided, however, that none of the restrictions with respect to the amount of principal and interest payable in any year or the period over which warrants shall mature contained in Section 1 or Section 4 of said Act No. 94 shall apply to such refunding warrants.

Section 4. All warrants of any county or city board of education or body having similar functions and powers in any county

or city issued or purporting to have been issued under the authority of Article XIII of the Alabama School Code of 1927, the issuance of such warrants was authorized by resolution or motion of the issuing boards or body prior to, but which warrants were issued after, the effective dates of Act No. 300, General Laws of Alabama, approved September 2, 1935, entitled "An Act to establish a budget system and provide for the preparation of a budget for each county and city school system in the State; to provide that the budgeted current expenditures shall not exceed the budgeted income of each such board of education; to provide that the actual payments shall not exceed the budgeted payments except on approval of the county or city board of education and of the State Superintendent of Education; to provide that the actual payments shall not exceed the actual income plus balances except in the issuance of warrants for capital outlay purposes; to authorize county and city boards of education to borrow funds against the current year's revenues when necessary to pay their current expenses; to regulate and restrict borrowing for capital outlay purposes, and to authorize and regulate the issuance of warrants or notes to pay debts incurred prior to July 1, 1935"; or Act No. 507, General Laws of Alabama, approved September 13, 1935, entitled "An Act to amend Sections 94, 108-113, inclusive, 133, 182, 277, 281, 290, and 472 of the Alabama School Code of 1927," and without reference to or compliance with the provisions of either of said Acts are hereby validated, ratified, approved and confirmed as binding, legal, valid and enforceable obligations of such board or body in accordance with their terms and as binding, legal, valid and enforceable claims upon the tax or taxes in anticipation of the collection of which they were issued, without reference to any requirement of said Acts Nos. 300 and 507, notwithstanding any such noncompliance, and as if they had been issued prior to the effective date of both of said Acts.

Section 5. In order further to validate warrants issued by county or city boards of education or bodies having similar functions and powers in any county or city as preferred claims upon any school tax, all elections in school districts and in counties which have heretofore been held under the provisions of Article XIII of the Alabama School Code or any other law for the purpose of authorizing a special tax for any school purpose or for school purposes generally pursuant to Article XIX of the Constitution, which election resulted in a majority of the votes cast being in favor of said tax and which elections were illegal by reason of failure, prior to the actual holding of the election, to give notice thereof in a newspaper or by reason of any other irregularity, be and they hereby are validated, ratified, approved and confirmed and given effect in all respect as if all provisions of law relating thereto had been duly and legally complied with and such taxes shall be levied and collected accordingly; provided, however, that this section

shall not apply to any election now in litigation or which has heretofore been held invalid by any court of competent jurisdiction or which has heretofore been in express terms held and declared illegal by the board of revenue or court of county commissioners.

Section 6. In order to safeguard the expenditure of school funds, the State Superintendent of Education shall determine what items shall comprise school equipment and school supplies and also what expenditures are valid for public school purposes, except in cases which the law specifically states that the expenditure of school funds for equipment or school supplies or public school purposes is valid or invalid, it being the purpose of this section to prevent the expenditure of school funds by county and city boards of education for items which are not properly school equipment or school supplies or public school purposes. The determination of the State Superintendent of Education as to the validity of such expenditures should be conclusive and county and city boards of education shall have the authority to expend school funds accordingly.

Section 7. Expenditures for teachers' salaries for services rendered and for transportation for the scholastic year July 1 to June 30, inclusive, for any year and expenditures for fuel and school supplies to be consumed in the scholastic year July 1 to June 30, inclusive, for any year shall be paid from receipts for that fiscal year, October 1 to September 30, inclusive, which begins October 1 after the beginning of the scholastic year, or from cash on hand and county and city boards of education or like governing bodies shall have authority upon the recommendation of the county or city superintendent of education, as the case may be, to borrow money to pay for such expenditures and to pledge therefor the school revenue for that fiscal year from which such expenditures are to be paid, provided that such loan must be repaid during that fiscal year for which the school revenue is pledged. All expenditures and loans which have heretofore been made in accordance with the foregoing sentence are hereby validated and ratified as legal payments or binding obligations.

Section 8. All laws and parts of laws, general, special or local, in conflict with any of the provisions of this Act are hereby repealed to the extent of such conflict.

Section 9. If any part of this Act shall be held unconstitutional, the rest shall stand.

Section 10. This Act shall be effective and become operative immediately upon its passage and approval.

Mr. Kelly offered the following amendment to said substitute for said bill, S. 47, to-wit:

Amend substitute to Senate bill No. 47 by striking therefrom Section 6 thereof.

Which amendment was lost.

Yeas, 13; Nays, 16.

Yeas:

Messrs.:

Bonner
Carlton
Dorsey
Frazer

Goldsmith
Kelly
Russell

Stephens
Swift
Taylor

Tucker
Walden
Walton

—13

Nays:

Messrs.:

Browder
Chesnut
Locke
Mooneyham

McConnell
Parrish
Richardson
Riddle

Rogers
St. John
Simpson
Starnes

Thomas
Weaver
Wellborn
Woodall

—16

Mr. Riddle moved that the Senate re-consider the vote by which the amendment of Mr. Kelly to the substitute for the bill was just lost, and the Senate did re-consider said vote and adopted said amendment offered by Mr. Kelly to the substitute for the bill, S. 47.

Mr. Woodall then withdrew the substitute which he offered for the bill, S. 47.

And said bill, S. 47, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 27; Nays, 2.

Yeas:

Messrs.:

Browder
Dorsey
Frazer
Kelly
Kuykendall
Locke
Mixon

Mooneyham
McConnell
Parrish
Richardson
Riddle
Rogers
Russell

St. John
Simpson
Starnes
Stephens
Swift
Taylor
Thomas

Tucker
Walden
Walton
Weaver
Wellborn
Woodall

—27

Nays: Messrs. Bonner and Carlton

— 2

The bill:

S. 53. To amend Section 2 of an Act approved April 10th, 1936 entitled "An Act to amend Schedule 158 of Chapter 6, Article 13 of 'An Act to provide for the General Revenue of the State of Alabama,' approved July 10, 1935."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner
Browder

Carlton
Dorsey

Frazer
Kelly

Kuykendall
Locke

Mixon	Rogers	Stephens	Walton
Mooneyham	Russell	Taylor	Weaver
McConnell	St. John	Thomas	Wellborn
Parrish	Simpson	Tucker	Woodall
Richardson	Starnes	Walden	

—27

Nays.—None.

The bill:

S. 56. To Amend Section 7 of Act No. 102, Extra Session of the Legislature of Alabama of 1933, approved March 29, 1933 (Acts of 1933, page 88).

Was taken up.

Mr. Simpson offered the following substitute for said bill, to-wit:

A BILL

To be entitled an Act to Amend Section 7 of Act No. 102, Extra Session of the Legislature of Alabama of 1933, approved March 29, 1933 (Acts of 1933, p. 88).

Be it enacted by the Legislature of Alabama:

Section 1. That Section 7 of Act No. 102, Extra Session of the Legislature of Alabama of 1933, approved March 29, 1933 (Acts of 1933, p. 88), be, and said Section 7 hereby is, amended so as to read as follows:

Section 7. For the purpose of defraying the cost of purchasing, constructing, improving, enlarging, extending or repairing any such waterworks system, water supply system, sewer system, sanitary disposal equipment and appliances, or gas system, any such borrower may borrow money and issue its negotiable bonds, provided, that no such bonds shall be issued unless and until authorized by an ordinance which shall set forth a brief description of the contemplated improvements, the estimated cost thereof; the amount, maximum rate of interest, time and place of payment and other details in connection with the issuance of the bonds. Such bonds shall bear interest at not more than six per cent (6%) per annum payable semi-annually, and shall be payable at such times, not exceeding forty-five (45) years from their date, and at such places as shall be prescribed in the ordinance providing for their issuance. The bonds and the coupons shall be executed in such manner and shall be substantially in the form provided in the authorizing ordinance. Such bonds shall be sold in such manner and upon such terms as the governing body shall deem for the best interests of the borrower. In no event shall any of the bonds be sold on a basis to yield more than six per cent (6%) per annum from the date of sale to the date of average maturity of the bonds sold. Provided, however, that in any contract for the purchase or

construction of any waterworks system, water supply system, sewer system, sanitary disposal equipment and appliances, or gas system, or for the improvement, enlargement, extension or repair of any such system provision may be made that payment therefor shall be made in such bonds. Such bonds and their coupons may be made payable in lawful money of the United States of America, or in gold coin of the standard weight and fineness existing on the date thereof. Such bonds shall mature annually and the first installment thereof shall be made payable not less than two (2) years nor more than five (5) years from the date of such bonds. No such installment shall be more than four and one-half times as great in amount as the smallest prior installment of the same issue. If all of these bonds of an issue are not issued at the same time, the bonds at any one time outstanding shall mature as aforesaid. The principal of and interest upon such bonds shall be payable solely from the revenues derived from the operation of the waterworks system, water supply system, sewer system, sanitary disposal equipment and appliances, or gas system, for the purchase, construction, improvement, enlargement, extension, or repair of which the same are issued; provided, however, that where a borrower purchases, constructs, improves, enlarges, extends or repairs a waterworks system and sewer system, a waterworks system and sanitary disposal equipment and appliances, a water supply system and sewer system, or a water supply system and sanitary disposal equipment and appliances, the principal of and interest upon such bonds may be made payable from the revenues derived from the operation of its waterworks system and sewer system, waterworks system and sanitary disposal equipment and appliances, water supply system and sewer system, or water supply system and sanitary disposal equipment and appliances, as the case may be. No bond or coupon issued pursuant to this Act shall constitute an indebtedness of such borrower within the meaning of any state constitutional provision or statutory limitation. It shall be plainly stated on the face of each such bond and coupon that the same has been issued under the provisions of this Act and that it does not constitute an indebtedness of such borrower within any state constitutional provision or statutory limitation.

Which was adopted.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Browder

Carlton

Chesnut

Dorsey

Kuykendall

Locke

Mixon

McConnell

Richardson

Rogers

Russell

St. John

Simpson

Stephens

Swift

Taylor

Thomas

Tucker

Walden

Walton

Weaver

Wellborn

Woodall

—23

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 19; Nays, 6.

Yeas:

Messrs.:

Browder	Mixon	Simpson	Walton	
Carlton	McConnell	Stephens	Weaver	
Chesnut	Richardson	Swift	Wellborn	
Kuykendall	Rogers	Taylor	Woodall	
Locke	St. John	Thomas		—19

Nays:

Messrs.:

Dorsey	Parrish	Tucker	Walden	
Mooneyham	Russell			— 6

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Welch:

H. 86. To establish a Commission and empower it to eliminate unfair practices in the tobacco trade and to provide for the expenses of said Commission.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read one time at length and referred to appropriate Standing Committee as follows:

H. 86. To the Committee on Finance and Taxation.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the eleventh Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the eleventh Legislative day approved by the Senate.

ADJOURNMENT

At 4:55 P. M., on motion of Mr. Dorsey and in accordance with Joint Resolution heretofore adopted, the Senate adjourned until tomorrow morning at 9 A. M.

TWELFTH DAY

Friday, January 8th, 1937.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The Session was opened with prayer by Rev. H. G. Earnest, Doorkeeper of the Senate.

ROLL CALL

Present:

Messrs.:			
Bonner	Kuykendall	Rogers	Taylor
Browder	Locke	Russell	Thomas
Carlton	Mixon	St. John	Tucker
Chesnut	Mooneyham	Simpson	Walden
Cook	McConnell	Starnes	Walton
Dorsey	Parrish	Stephens	Weaver
Frazer	Richardson	Stoddard	Wellborn
Goldsmith	Riddle	Swift	Woodall
Kelly			

—33

JOURNAL

On motion of Mr. Mooneyham the reading of the Journal of Yesterday was dispensed with and same approved by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House, having signed the following House bills, your signature thereto is requested:

H. 97. To amend Section 992 of the Code of Alabama of 1923, as amended by an Act approved February 5, 1935, and September 13th, 1935, so as to read as follows:

Also:

H. 125. To authorize Dallas County, through its Court of County Revenues, or other governing body, to build, rent lease, contract for the use of, or, acquire in any manner it may choose, and under any contract that it may deem advisable, a jail for the use of said County, whether with or in conjunction with the City of Selma, or otherwise, and to ratify any contract which may have heretofore been made.

Also:

H. 147. To Amend the Act entitled "An Act to provide for the consolidation of the administration and control of the public school systems in any county of not less than seventy-five thousand nor more than one hundred thousand population according to the last or any succeeding Federal Census; to establish a Board of Education, in lieu of all other city and county Boards of Education in such counties, and provide for the manner of its selection and to define its authority," approved September 6, 1927, so as to confer additional authority for the issue of refunding warrants.

Also:

H. 28. To amend Section 17 of an act entitled "An Act to establish Jury Boards in the several counties of this State, to fix the membership of said Boards, to prescribe the qualifications and terms of office and provide for the appointment of the members thereof; to fix their compensation and to define their duties; to provide for the appointment, duties and compensation of clerks of said Boards, for the qualifications of jurors, for the preparation of jury rolls and the emptying, filling and refilling of jury boxes; and to provide for the payment of the necessary expenses of the Boards," approved February 20, 1931.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

REPORTS OF COMMITTEES

Mr. Woodall, Chairman of the Standing Committee on Privileges & Elections, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Arnold:

H. 110. To amend an Act approved November 9, 1932, as found on pages 302 and 303 of the Acts of the Legislature of Alabama, extra Session 1932, entitled An Act "To amend An Act entitled An Act to amend Section 56 of An Act (No. 56) enacted by the Legislature of Alabama, approved February 25, 1932, to provide for and regulate and control Primary Elections for the nomination by Political Parties of candidates for public office within the State of Alabama, as found on page 755 of the Acts of the Legislature of Alabama of 1931."

By Mr. Chesnut:

S. 84. To further regulate absentee voting.

Mr. Frazer, Chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Chichester:

H. 59. To amend Section 9796 of the Code of Alabama of 1923.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and sends same herewith to the Senate.

By Mr. Welch:

H. 40. To amend Section 348 of Article XIII, Chapter I, of an

Act entitled "An Act to provide for the General Revenue of the State of Alabama" Approved July 10, 1935.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read one time at length and referred to appropriate standing committee as follows:

H. 40—To Committee on Finance and Taxation.

RECONSIDERATION OF VOTE

Mr. Mooneyham moved that the Senate re-consider the vote by which, the bill:

S. 42. To prohibit owners or managers of cattle or livestock to permit such cattle or livestock to run at large upon the highways of this State, to fix the liability of owners or managers of cattle or livestock running at large, to provide for proceedings for the enforcement of such liability, for the impoundment of cattle or livestock running at large upon the highways of this State, to fix a penalty for the violation of said provisions, and to repeal all laws in conflict with this Act.

Was lost on the Last Legislative Day, January 7.

Mr. Frazer moved to table the motion of Mr. Mooneyham to re-consider said vote, which motion prevailed and the Senate refused to reconsider said vote.

Yeas, 18; Nays, 14.

Yeas:

Messrs.:

Bonner	Goldsmith
Browder	Kuykendall
Carlton	Locke
Cook	Mixon
Frazer	McConnell

Rogers
Simpson
Stephens
Swift

Thomas
Walden
Wellborn
Woodall

—18

Nays:

Messrs.:

Chesnut	Parrish
Dorsey	Richardson
Kelly	Russell
Mooneyham	St. John

Starnes
Stoddard
Taylor

Tucker
Walton
Weaver

—14

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following:

By Mr. Lusk:

H. J. R. 30. Be It Resolved by the House of Representatives, the Senate Concurring, that when the two Houses adjourn today they adjourn to meet on Tuesday, January 12th, 1937, at 11 o'clock A. M.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

H. J. R. 30, set out in the foregoing House Message, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING

The bill:

H. 44. To promote temperance and suppress the evils of intemperance; to regulate and control the manufacture, purchase, bottling, sale, distribution, transportation, handling, advertising, possession, dispensing, drinking and use of alcohol, brandy, rum, whiskey, gin, wine, beer, lager beer, ale, porter, stout, and all liquid beverages and articles containing alcohol obtained by fermentation or otherwise; to create a Department of "Alcoholic Beverage Control," and an "Alabama Beverage Control Board," and to define and provide for the functions, duties, and powers thereof; to provide for the appointment, suspension, removal, compensation, cost and expense of such Board and its members, officers, agents and employees; to provide for the manufacture, sale and distribution of such alcoholic beverages of an alcoholic content of over twenty-four (24%) per cent by volume; to provide for the levying and collecting of an excise tax on the sale and distribution within this State of malt and vinous beverages of an alcoholic content of twenty-four (24%) per cent or less by volume; to provide for the sale and purchase at State Liquor Stores of alcoholic beverages of an alcoholic content in excess of twenty-four (24%) per cent by volume; to authorize said Board to promulgate rules and regulations governing the manufacture, sale and possession of all such beverages within this State; to make it a misdemeanor for any person to purchase any such beverages from any person or persons, firm or corporation, except those author-

ized by this Act and by the Board under the provisions of this Act; to appropriate money for the administration of the Act and to provide for the disposition of the net profits collected under this Act; to provide for the confiscation and disposition of articles declared to be contraband; to impose penalties for violation of this Act; to repeal all laws and parts of laws in conflict hereto, and to provide that this Act shall constitute and be designated and cited as "The Alcoholic Beverage Control Act."

Was taken up.

The Standing Committee on Temperance offered the following substitute for said bill, H. 44, to-wit:

H. 44. A bill To Be Entitled An Act To promote temperance and suppress the evils of intemperance; to regulate and control the manufacture, purchase, bottling, sale, distribution, transportation, handling, advertising, possession, dispensing, drinking and use of alcohol, brandy, rum, whiskey, gin, wine, beer, lager beer, ale, porter, stout, and all liquid beverages and articles containing alcohol obtained by fermentation or otherwise; to create a Department of "Alcoholic Beverage Control" and an "Alabama Beverage Control Board," and to define and provide for the functions, duties, and powers thereof; to provide for the appointment, suspension, removal, compensation, cost and expense of such Board and its members, officers, agents and employees; to provide for the manufacture, sale and distribution of liquors as herein defined; to provide for the manufacture, sale and distribution of malt beverages of an alcoholic content not in excess of four (4%) per cent by weight and five (5%) per cent by volume, and of vinous beverages of an alcoholic content of twenty-four (24%) per cent or less by volume; to provide for the levying and collecting of an excise tax on the sale and distribution within this State of malt beverages of an alcoholic content not in excess of four (4%) per cent by weight and five (5%) per cent by volume, and of vinous beverages of an alcoholic content of twenty-four (24%) per cent or less by volume; to provide for the sale and purchase at State Liquor Stores of liquors as herein defined; to provide for the sale and purchase at State Liquor Stores of malt beverages of an alcoholic content not in excess of four (4%) per cent by weight and five (5%) per cent by volume, and of vinous beverages of an alcoholic content of twenty-four (24%) per cent or less by volume; to authorize said Board to promulgate rules and regulations governing the manufacture, sale and possession of all such beverages within this State; to make it a misdemeanor for any person to purchase any such beverages from any person or persons, firm or corporation, except those authorized by this Act and by the Board under the provisions of this Act; to appropriate money for the administration of the Act and to provide

for the disposition of the net profits collected under this Act; to provide for the confiscation and disposition of articles declared to be contraband; to impose penalties for violation of this Act; to repeal all laws and parts of laws in conflict herewith; and to provide that this Act shall constitute and be designated and cited as "The Alcoholic Beverage Control Act."

Be It enacted by the Legislature of Alabama:

Section 1. Short Title—This Act shall be known and may be cited as "Alabama Beverage Control Act."

Section 2. Definitions—The following words or phrases, unless the context clearly indicates otherwise, shall have the meaning ascribed to them in this section.

(a) "Association" shall mean a partnership, limited partnership, or any form of unincorporated enterprise owned by two or more persons.

(b) "Board" shall mean the "Alabama Alcoholic Beverage Control Board."

(c) The term "hotel" shall mean establishments within incorporated cities or towns of not less than four thousand five hundred or more than twenty-five thousand (25,000) population, or within the police jurisdiction thereof, defined as places "where, in consideration of payment, food and lodging are habitually furnished to travelers, and wherein are located, adequately furnished, at least twenty (20) completely separate sleeping rooms with adequate facilities therein under one continuous roof so comfortably disposed that persons usually apply for and receive overnight accommodations therein, in the course of usual and regular travel or as a residence, and which establishment operates a regular dining room constantly frequented by customers each day." The term "hotel" as just defined shall, in towns or cities of more than twenty-five thousand (25,000) population, be similarly defined, provided, however, that no such place shall be deemed a hotel unless in towns having a population of twenty-five thousand (25,000) or more it has at least fifty (50) rooms. Provided, however, that resort hotels not located within incorporated cities or towns may be issued a permit by the Board when said resort hotels shall have met all of the qualifications as set out by the Board, under rules and regulations prescribed by said Board. Provided further, however, that there shall be no permits issued to tourist camps, road houses, or night clubs.

(d) "Corporation" shall mean a corporation or joint-stock association organized under the laws of this State, the United States, or any other State, territory or foreign country, or dependency.

(e) The term "State Liquor Store" shall mean a place where

alcoholic beverages as defined herein are sold in sealed package form only.

(f) The term "Club" shall mean a corporation or association organized or formed in good faith by authority of law, and which must have at least one hundred fifty (150) paid up members. It must be the owner, lessee or occupant of an establishment operated "solely for the objects of a national, social, patriotic, political, or athletic nature, or the like, but not for pecuniary gain, and the property as well as the advantages of which belong to all the members and which maintains an establishment provided with special space and accommodations where in consideration of payment, food with or without lodging is habitually served." The club shall hold regular meetings, continue its business through officers regularly elected, admit members by written application, investigation and ballot, and charge and collect dues from elected members.

(g) "Alcohol," means ethyl alcohol produced by the distillation of any fermented liquid, whether rectified or diluted, with or without water, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not mean ethyl alcohol, whether or not diluted, that has been denatured, or otherwise rendered unfit for beverage purposes.

The provisions of this act shall not apply to ethyl alcohol intended for use and/or used for the following purposes:

1. For scientific, chemical, mechanical, industrial, medicinal and culinary purposes.

2. For use by those authorized to procure the same tax-free, as provided by the Acts of Congress and regulations promulgated thereunder.

3. In the manufacture of denatured alcohol produced and used as provided by the Acts of Congress and regulations promulgated thereunder.

4. In the manufacture of patented, patent, proprietary, medicinal, pharmaceutical, antiseptic, toilet, scientific, chemical, mechanical and industrial preparations or products, unfit for beverage purposes.

5. In the manufacture of flavoring extracts and syrups, unfit for beverage purposes.

(h) "Liquor" shall mean and include any alcoholic, spirituous, vinous, fermented, or other alcoholic beverage, or combination of liquors and mixed liquor, a part of which is spirituous, vinous, fermented, or otherwise alcoholic, and all drinks or drinkable liquids, preparations or mixtures intended for beverage purposes, which contain more than one-half of one per centum of alcohol by volume, except malt or brewed beverages of an alcoholic content not in excess of four (4%) per cent by weight and five (5%) per cent by volume, and wines of not to exceed twenty-four (24%) per cent al-

coholic content by volume, as specifically set out and defined in subsection i and j of this section.

(i) "Malt," or "Brewed Beverages," means any beer, lager beer, ale, porter, or similar fermented malt liquor containing one-half of one per centum or more of alcohol by volume, by whatever name the same may be called.

(j) The term "Wine" shall mean wine effervescent or noneffervescent, of an alcoholic content of not to exceed twenty-four (24%) per cent by volume and other mixed alcoholic beverages the contents of which do not exceed seventeen (17%) per cent by volume.

(k) "Manufacturer" shall mean any person, association or corporation engaged in the producing, bottling, manufacturing, distilling, rectifying or compounding of liquor, alcohol and malt or brewed beverages in this State.

(l) "Municipality" shall mean any incorporated city or town of this State.

(m) "Package" shall mean any container or containers, or receptacle or receptacles, used for holding liquor and/or alcoholic beverages, as marketed by the manufacturer.

(n) "Persons" shall mean every natural person, association, or corporation. Whenever used in a clause prescribing or imposing a fine or imprisonment, or both, the term "person" as applied to "association" shall mean the partners or members thereof and as applied to "corporation" shall mean the officers thereof, except as to incorporated clubs the term "person" shall mean such individual or individuals who, under the by-laws of such clubs, shall have jurisdiction over the possession and sale of liquor therein.

(o) "Restaurant" shall mean a reputable place within a municipality of four thousand five hundred population or more, or within the police jurisdiction thereof, operated by a responsible person of good reputation, and habitually and principally used for the purpose of providing food for the public; to place to have an area within a building of not less than one thousand (1,000) square feet on one floor equipped with tables and chairs, accommodating at least fifty (50) persons at one time, and a kitchen apart from such area of one thousand (1,000) square feet but adjoining same, regularly used for the preparation of food for the public, and in which kitchen the food or meals served in such places are prepared. The proprietor or operator of a restaurant as herein defined shall be required to keep an accurate account of all purchases made of food supplies and alcoholic beverages of all kinds, and the cost of alcoholic beverages purchased by the owner, operator or proprietor of such restaurant shall not exceed fifty (50%) per cent of the amount expended for food supplies. Provided, however, no permits shall be issued to tourist camps, road houses or night clubs.

(p) "Sale" or "Sell", shall include any transfer of liquor, or malt or brewed beverages for a consideration, and any gift in connection with, or as a part of, a transfer of property other than liquor, or malt or brewed beverages, for a consideration.

(q) "Wholesaler, Distributor and/or Jobber," means and includes any person licensed by the Board to engage in the sale and distribution within this State, at wholesale only, malt or brewed beverages of an alcoholic content not in excess of four (4%) per cent by weight and five (5%) per cent by volume, and vinous beverages of not to exceed twenty-four (24%) per cent by volume, to be sold only to licensed dealers as defined in this Act.

(r) "Retailer," means and includes persons licensed by the Board to engage in the retail sale of malt or brewed beverages of an alcoholic content not in excess of four (4%) per cent by weight and five (5%) per cent by volume, and vinous beverages of not exceeding twenty-four (24%) per cent alcoholic content by volume, to be consumed on the premises or to be carried or delivered to the address of purchaser.

Section 3. Interpretation of Act. (a) This Act shall be deemed an exercise of the police power of the State of Alabama for the protection of the public welfare, health, peace and morals of the people of the State, and to prohibit forever the open saloon; and all of the provisions of this Act shall be liberally construed for the accomplishment of this purpose.

(b) The provisions of this Act are severable and if any of its provisions shall be held unconstitutional, the decision of the Court shall not affect or impair any of the remaining provisions of this Act. It is hereby declared to be the legislative intent that this Act would have been adopted had such unconstitutional provisions not been included herein.

(c) Except as herein otherwise expressly provided, the purpose of this Act is to prohibit transactions in liquor and alcohol, and malt or brewed beverages, which take place wholly within the State, except by and under the control of the Board, as herein specifically provided, and every section and provision of this Act shall be construed accordingly. The provisions of this Act, through the instrumentality of the Board, and otherwise, provide the means by which such control shall be made effective. This Act shall not be construed as forbidding, affecting or regulating any transaction which is not subject to the legislative authority of this State.

(d) Section headings where used shall not be taken to govern or limit the scope of the sections of this Act. The singular shall include the plural and the masculine shall include the feminine and the neuter.

(e) None of the provisions of this Act shall apply to Specially Denatured Alcohol or Pure Ethyl Alcohol intended for use and/or

used for the following purposes: For scientific, chemical, mechanical, industrial and/or medicinal purposes. Patented, patent, proprietary, medicinal, pharmaceutical, antiseptic, toilet, scientific, chemical, mechanical and/or industrial preparations, or products unfit for beverage purposes. Flavoring extracts and syrups unfit for beverage purpose.

Section 4. There is hereby created a Board named the Alabama Alcoholic Beverage Control Board, consisting of three (3) persons, all of whom shall be appointed by the Governor, with the consent and advice of three-fourths of the members elected to the Senate of Alabama, and such appointment shall not be valid until confirmed by three-fourths of the members elected to the Senate, one of whom shall be designated by the Governor to be the Chairman of said Board, and each member shall receive a salary to be fixed by the Governor and not to exceed the sum of \$5,000.00 per annum. Each member of said Board at the time of his appointment and qualification shall be a resident of the State of Alabama and shall have resided in said State for a period of at least ten (10) years next preceding his appointment and qualification, and he shall also be a qualified voter therein. Of the members initially appointed, each shall hold office from the date of his appointment until the first Monday after the second Tuesday in January, 1939, and until his respective successor shall qualify. Each member may be initially appointed on or subsequent to the date this Act goes into effect.

Upon the expiration of said terms, the term of office of each member thereafter appointed, shall be four (4) years from the time of his appointment and qualification, and until his successor shall qualify. In case any member shall be allowed to hold over after the expiration of his term, his successor shall be appointed for the balance of the unexpired term. Vacancies in said Board shall be filled by the Governor for the unexpired term until the Senate shall convene in regular or special session, and then if the Senate shall confirm such appointee by a vote of three-fourths of those elected to the Senate. Each member shall be eligible for re-appointment in the discretion of the Governor and the Senate. No person shall be eligible for appointment, or shall hold office of member of the Board, or be appointed by the Board, or hold any office or position under the Board, who is a member, officer or employee of the present legislature, or who has any connection with any association, firm, person, or corporation engaged in or conducting any alcoholic beverage business of any kind, or who holds stocks or bonds therein, or who has pecuniary interest therein, nor shall any person receive any commission or profit whatsoever from, or have any interest whatsoever in any purchase or sales of any alcoholic liquors.

Each member of the Board shall, before entering upon the dis-

charge of his duties, give bond payable to the State of Alabama, in form approved by the Attorney General, in such penalty as shall be fixed from time to time by the Governor, with some surety or guaranty company duly authorized to do business in Alabama and approved by the Governor as security, conditioned upon the faithful discharge of his duties; the premium of such bond shall be paid by the State, and the bonds shall be filed as bonds of other State officers.

The office of the Board shall be in the City of Montgomery, Alabama. The said Board shall meet at such times within the City of Montgomery, Alabama, as the Board shall determine. A majority of the members shall constitute a quorum for the transaction of any business for the performance of any duty, or for the exercise of any power of the Board.

Section 5. Administration—The Board shall appoint an Administrator who shall serve at the Board's pleasure and who shall under the supervision of the Board administer the provisions of this Act. He shall receive a salary not exceeding Five Thousand (\$5,000.00) Dollars per annum, and shall execute a bond in the sum of Twenty-five Thousand (\$25,000.00) Dollars, payable to the State of Alabama, conditioned as the Board shall require, premiums on said bond to be paid out of monies derived from this Act.

The Administrator, with the approval of the Board, shall appoint all necessary clerks, stenographers, inspectors, and chemists and other employes to properly enforce the provisions of this Act. No person shall be eligible for any appointment who has any financial connection whatever with any person engaged in or conducting any liquor business of any kind, or who holds stock or bonds therein, or who has any pecuniary interest therein, nor shall any such person receive any commission or profit whatever from, or have any interest whatsoever in, the purchases or sales made by persons authorized by this Act to manufacture, purchase, sell or otherwise deal in the liquor business.

The Administrator shall act as manager, secretary and custodian of all records unless the Board shall otherwise order.

The Administrator shall devote his entire time to said office.

The Administrator, with the approval of the Board, shall fix the duties, salaries and wages of all employees authorized by this Act, but such compensation, salaries, and wages shall not be greater than the salaries fixed for similar positions and duties in other departments of the State Government. The Board shall likewise have power to require any employee authorized by this Act to give bond for the faithful performance of his duties in such an amount and under such conditions as it may deem adequate and proper, the premiums of such bonds to be paid for out of monies derived from this Act.

It shall be the duty of the Board, during the month of January of each year, to make a report to the Governor, concerning its administration of this Act.

The Administrator shall be at the time of his appointment a resident of the State of Alabama and he shall have resided in the State for at least ten (10) years continuously prior to his appointment. He shall be a man of good moral character and not less than thirty-five (35) years of age.

The provisions of this Act shall not prevent any officer, member, agent, or employee of the Board from purchasing and keeping in his possession for the personal use of himself, members of his family, or guests, liquor or malt or brewed beverages which may be purchased or kept by any person by virtue of this Act.

No person shall be eligible to appointment to the Alabama Alcoholic Beverage Control Board or to any office of profit or employment under the provisions of this act who has been indicted or convicted of violation of the prohibition laws of Alabama or of the United States.

Section 6. The functions, duties and powers of the Board shall be as follows:

(a) To buy, manufacture and sell alcoholic beverages and to have alcoholic beverages in its possession for sale, as defined and enumerated herein.

(b) To control the possession, sale, transportation and delivery of alcoholic beverages as enumerated and defined herein.

(c) To determine the localities within which any State store shall be established and operated, and, with the approval of the City Commissioners or other governing authority of the municipality in which it is proposed to operate such store, to designate the location of such store. No store shall be established in, and neither the Board nor any person may legally buy, manufacture or sell alcoholic beverages in, any dry county which has voted in the negative in any election called for determining the said issue, unless and until said county has voted wet. The Board shall have the power to establish and maintain State Stores for the sale of liquors as herein defined.

(d) To make provision for the maintenance of warehouses for alcoholic beverages and to control the delivery of alcoholic beverages to and from such warehouses and the keeping of the same therein.

(e) To lease, occupy and improve any land or building required for the purposes of this Act.

(f) With the consent of the Governor, to purchase or otherwise acquire title to any land or buildings required for the purposes of this Act, and with like consent to sell and convey the same by proper deed.

(g) To purchase, lease or acquire the use by any manner whatsoever of any plant or equipment which may be considered necessary or useful in carrying into effect the purposes of this Act, including manufacturing, rectifying, blending and processing plants; the Board is hereby empowered to purchase, build, lease and operate distilleries and to manufacture alcoholic beverages if in its opinion the purposes of this Act can be thereby promoted. The price of all spirituous and vinous liquors dispensed by the Board shall be fixed by the Board and location of liquor stores shall not be adjacent to schools or churches or in a neighborhood which is exclusively residential. Neither the Board nor any State store operated by it shall in any manner advertise its wares for sale. Article 5 of Chapter 167 Code of 1923 is hereby repealed.

(h) To appoint every officer, agent and employee, in accordance with the qualifications specifically set out in this Act, required for the operation of the business of said Board, dismiss them, fix their salaries or remunerations, assign them their official positions and titles, define their respective duties and powers, require them or any of them to give bonds payable to the State in such penalty as shall be fixed by the Board, and engage the services of experts and of persons engaged in the practice of a profession.

(i) To control the manufacture, possession, sale, consumption, importation, use and delivery of liquor, alcohol and malt and brewed beverages, in accordance with the provisions of this Act; and to fix the wholesale and retail prices at which liquor shall be sold at Alabama liquor stores. The Board shall require each Alabama manufacturer and each non-resident manufacturer of distilled liquors selling distilled liquors to the Board to make application for and be granted a permit by the Board before distilled liquors shall be purchased from such manufacturer. The Board before issuing such permit shall collect from each applicant permit fee of fifteen hundred (\$1,500.00), which sum shall be paid annually thereafter on application. In the event that any such manufacturer shall, in the opinion of the Board, sell distilled liquors to the Board through another person for the purpose of evading this provision relating to permits, the Board shall require such person before purchasing distilled liquors from him, or it, to take out a permit and pay the same fee as hereinbefore required to be paid by such manufacturer. All permit fees so collected shall be paid into the State Stores Fund.

(j) To grant, issue and suspend or revoke for cause liquor licenses, and alcohol permits, as provided in this Act.

(k) To grant, issue and suspend or revoke for cause malt or brewed and vinous beverage licenses, as provided in this Act.

(l) To lease and furnish and equip such buildings, rooms, and

other accommodations as shall be required for the operation of this Act.

(m) To determine the nature, form and capacity of all packages to be used for containing liquor, alcohol or malt or brewed beverages to be kept or sold under this Act, and to prescribe the form and contents of all labels and seals to be placed thereon. No liquors or wines dispensed by such State stores shall be drunk on the premises and the drinking of the same on said premises shall constitute a misdemeanor.

All liquors, vinous beverages and alcohol sold or distributed by the Board or any licensee of said Board shall be stamped or endorsed in such characteristic way or manner to be determined by the Board as shall clearly indicate that it has been dispensed by the Board, and all such liquors, vinous beverages or alcohol not containing such label shall be contraband and subject to forfeiture as other contraband liquor. The Board is hereby authorized to purchase from time to time the necessary stamps, crowns or lids in a quantity sufficient for a period not to exceed six months, for identifying each article sold and/or distributed by and through said "State Liquor Stores."

(n) "To require all wholesalers who make sales of alcoholic beverages of any kind as herein defined to any State Store to forward, when the shipments of such alcoholic beverages are made, to the Board an invoice setting out the quantities of beverages purchased, and the price quotations showing at what price such beverages were sold and to forward also to the Comptroller of the State of Alabama a duplicate copy of such invoice and quotation, —such invoice and quotation to be placed of record in the records of the Board and of the Comptroller of the State of Alabama and to be held for a period of not less than eighteen months."

Section 7. (a) The Board may from time to time make such regulations not inconsistent with this Act as it shall deem necessary for carrying out the provisions of this Act, and from time to time alter, repeal or amend such regulations, or any of them.

(b) Prima facie evidence of any such regulation may be given in all courts and proceedings by the production of what purports to be an official printed copy of such regulation, alteration, repeal or amendment.

Section 8 (a) Management of Alabama Liquor Stores—Every Alabama Liquor Store shall be conducted by a person appointed by the Board, who shall be known as the "Manager" and who shall be elected by the Board, with the consent and approval of the governing body of the locality, where such store is located, and under the direction of the Board be responsible for carrying out the provisions of this Act, and the regulations adopted by the Board under this Act, so far as they relate to the conduct of such stores.

Such manager may employ, only after approval by the Board, such additional employee or employees as may be necessary for the effective operation of such store. The manager and any other employee or employees may be dismissed or discharged by the Board at any time for cause. No manager or employee of a liquor store shall be under the age of twenty-one (21) years.

(b) State Liquor Stores shall remain open for business during the hours set forth by the Alabama Liquor Control Board, but in no event shall they remain open for business during the hours from **nine P. M. to nine A. M.** Provided, further, there shall be no State Liquor Stores operated on any Sunday, primary election day, **general election day or municipal election day** under any circumstances. The Board may, with the approval of the Governor, temporarily close any store in any municipality during any period of emergency proclaimed to be such by the Governor.

(c) Sales by Alabama Liquor Stores—1. Every Alabama Liquor Store shall keep in stock for sale such classes, varieties, and brands of liquor and alcohol as the Board shall prescribe. If any person shall desire to purchase any class variety, or brand of liquor or alcohol, which any such store does not have in stock, it shall be the duty of such store immediately to order the same upon the payment of a reasonable deposit by the purchaser in such proportion of the approximate cost of the order as shall be prescribed by the regulations of the Board, provided that the deposit shall in no event be less than fifty per cent of the approximate cost of the order. The customer shall be notified immediately upon the arrival of the goods.

2. Unless the customer pays for and accepts delivery of any such special order within five days after notice of arrival, the store may place it in stock for general sale and the customer's deposit shall be forfeited.

3. Every Alabama Liquor Store shall sell liquors at wholesale to hotels, restaurants, clubs, and railroad, pullman and steamship companies licensed under this Act, and under the regulations of the Board.

4. All sales made by and through State Liquor Stores shall be for cash only.

5. Every purchaser of liquor or vinous beverages from a State Liquor Store shall receive a numbered receipt which shall bear thereon such information as the Board shall deem necessary. A duplicate record of all sales of liquor and vinous beverages from State Liquor Stores shall be retained by and shall form a part of the records of such store.

6. No liquor shall be sold, given or served to persons under the age of twenty-one (21) years or to any intoxicated person or habitual drunkard.

Section 9 (a) The books and records of the Board shall at all times be subject to examination and audit by the State Comptroller; the Board shall keep a complete and accurate record of all its actions and devise and install a system of accounts as the State Comptroller shall approve and direct. All records of the Board shall be public records. The cost of such installations, examinations and audits by the Comptroller shall be a charge against the monies collected under this Act.

(b) At least one audit of the operations of the Board shall be made each year by the Comptroller. All remittances made by the Alabama Liquor Stores shall be audited quarterly by the Comptroller.

(c) Each State Liquor Store shall be required to make daily deposits of receipts in a designated State Depository to the credit of the State Treasury, depositing all receipts for the preceding day. At no time shall any manager of a State Liquor Store allow the receipts of said store to reach the sum of five thousand (\$5,000.00) without depositing such receipts in designated State Depository. The Board shall each day deposit its gross receipts and all revenues received by said Board as above provided for under this Act in the General Fund of the State. The manager of each State Liquor Store and the Board shall make daily reports to the State Comptroller of all daily deposits. All claims against said monies received under the provisions of this Act shall be first audited and approved by the Board or designated agency, and all such claims so audited and approved by the said Board or designated agency must then be audited and approved by the State Comptroller and the Governor before being paid. The net profits derived from the proceeds of the State Liquor Stores under the provisions of this Act shall be paid out and applied monthly as follows: Sixty per cent shall be covered into the General Fund of the Treasury of the State; and forty per cent shall be paid into the State Treasury to the credit of the wet counties of the State and shall be divided and distributed pro rata among the said counties according to population as shown by the last Federal Census. Provided, however; if a State store is operated in any county, then, and in that event, one-half of the amount received under this Act by each county shall be divided and distributed pro rata among the several incorporated towns and cities in which a State store is operated in such county according to population of each county or city as shown by the last Federal census. Payment to be made to each of the several counties and incorporated towns and cities by warrant of the State Comptroller not later than the 20th of each month following collection.

(d) The Board and the managers of the Alabama Liquor Stores and their bondsmen shall be liable for all sums uncollected

by virtue of checks or other instruments which are returned unpaid by the bank on which they are drawn.

Section 10. In order to protect the welfare, health, peace, temperance and safety of the people of the State, and to prevent the return of the saloon atmosphere, there shall be no alcoholic beverages as defined herein sold in less than sealed packages and/or consumed by purchasers, except as hereinafter provided. There shall be no open saloons operated within this State. There shall be no advertising of alcoholic beverages as enumerated and defined herein, except through newspapers, magazines, and radio broadcasting stations, provided, however, that malt or vinous beverages as herein defined may be advertised by means of billboards.

Section 11. (a) Authority to Issue Liquor Licenses to Hotels, Restaurants and Clubs—Subject to the provisions of this Act, and regulations promulgated under this Act, the Board, with the approval of the City Commissioners or other governing authority, if the hotel, restaurant or club be located in a municipality, or with the approval of the Board of Revenue and Road Commissioners or other governing authority, if the hotel, restaurant or club be located in the county and outside the limits of the municipality, shall have authority to issue a liquor license for any premises kept or operated by a hotel, restaurant or club and specified in the license, entitling the hotel, restaurant or club to purchase liquor from an Alabama Liquor Store and to keep on the premises such liquor and, subject to the provisions of this Act and the regulations made thereunder, to sell the same and also vinous, malt or brewed beverages to guests, patrons, or members for consumption on the hotel, restaurant or club premises. Such licensees shall be permitted to sell malt or brewed beverages as defined in this Act and wines of alcoholic content not in excess of twenty-four (24%) per cent by volume, for consumption off the premises. Such licenses shall be known as hotel liquor licenses, restaurant liquor licenses, and club liquor licenses, respectively.

(b) Application for Hotel, Restaurant or Club Liquor Licenses—Every applicant for a hotel liquor license, restaurant liquor license, or club liquor license shall file a written application with the Board, in such form as the Board shall from time to time prescribe, which shall be accompanied by an application fee of twenty-five dollars (\$25.00) in towns of from four thousand five hundred to twenty-five thousand (25,000) population and one hundred dollars (\$100.00) in towns of twenty-five thousand (25,000) population or more, together with the amount or amounts of the prescribed license fee or fees, if any, levied by the county in which it proposes to do business, and accompanied, also, by a certificate from the clerk or proper officer setting out that the applicant has presented his application to the City Commissioners or other gov-

erning authority and has obtained their or its consent and approval. Every such application shall contain a description of that part of the hotel, restaurant or club for which the applicant desires a license, and shall set forth such other material information, description or plan of that part of the hotel, restaurant or club where it is proposed to keep and sell liquor as may be required by the regulations of the Board. If the applicant is a natural person, his application must show that he is a citizen of the United States. If the applicant is a corporation, the application must show that the corporation was created under the laws of Alabama or holds a certificate of authority to transact business in Alabama, and that the manager of the hotel, restaurant or club is a citizen of the United States. The application shall be signed and verified by oath or affirmation by the owner, if a natural person, or, in the case of an association, by a member or partner thereof, or, in the case of a corporation, by an executive officer thereof, or any person specifically authorized by the corporation to sign the application, to which shall be attached written evidence of his authority. If the applicant is an association, the application shall set forth the names and addresses of the persons constituting the association, and, if a corporation, the names and addresses of the principal officers thereof. Every club applicant shall file with and as a part of its application a list of directors and officers, and such other information with respect to its operation as the Board shall require. The Board shall refuse to issue licenses to clubs when it appears that the operation of the licensed business would inure to the benefit of individual members, officers, agents or employees of the club rather than to the benefit of the entire membership of the club.

(c) Issuance of Hotel, Restaurant and Club Liquor Licenses. Upon receipt of the application, the proper fees, the certificate of approval of the governing authority, and upon being satisfied of the truth of the statements in the application, and that the applicant is a person of good repute and seeks a license for a hotel, restaurant or club as defined in this Act, the Board shall grant and issue the applicant a liquor license entitling him to purchase liquor from an Alabama Liquor Store and, in that part of the Hotel, restaurant or club, set out in the license, to sell by open bottle, glass or other container, or in any mixture, the liquor so purchased and also vinous and malt, or brewed beverages to the patrons, guests, or members for consumption in that part of the hotel or restaurant habitually used for the serving of meals to patrons, guests or members, or in private rooms of the building, as hereinafter provided, and in accordance with the provisions of this Act and the regulations made thereunder.

(d) Display of License—Every license issued under this Act shall be constantly and conspicuously exposed under transparent substance on the licensed premises.

Section 12. Every applicant for a club license, a hotel liquor license, or restaurant liquor license, shall before receiving such license pay to the Board the license fee or fees, if any, levied by the county in which the place of business of such applicant is located.

All license fees collected under this Section shall be collected by the Board for the use of the county in which such licenses were levied and in which the applicant's place of business is located and shall be paid over to said county at quarterly intervals.

Any county or municipality may fix a reasonable privilege or license tax on any such club, hotel or restaurant being located therein, conditioned on a permit or liquor license being issued by the Board. Provided, however, no county shall levy a license as hereinabove described in an amount greater than the State permit fee herein levied for like privilege.

No county or municipality shall have any authority to levy a license or tax on any State Liquor Store.

Section 13. (1) Licenses Not Assignable—Transfers. (1) Licenses issued under this Act may not be assigned. The Board is hereby authorized to transfer any license from one person to another, or from one place to another within the same municipality or both, as the Board may determine; but no transfers shall be made to a person who would not have been eligible to receive the license originally, nor for the transaction of business at a place for which the license could not originally have been issued lawfully.

(2) Every applicant for a transfer of a license shall file a written application with the Board in such time as the Board shall fix in its regulations. Whenever any license is transferred, there shall be collected a fee of ten (\$10.00) Dollars, to be paid to the Board for the use of the State.

(3) In the event that any person to whom a license shall have been issued under the terms of this Act, shall become insolvent, make an assignment for the benefit of creditors, become a bankrupt by either voluntary or involuntary action, the license of such person shall immediately terminate and be cancelled without any action on the part of the Board, and there shall be no refund made, or credit given, for the unused portion of the license fee for the remainder of the license year for which said license was granted. Thereafter no license shall be issued by the Board for the premises, wherein said license was conducted, to any assignee, committee, trustee, receiver or successor of such licensee until a hearing has been held by the Board as in the case of a new application for license. In all such cases, the Board shall have the sole and

final discretion as to the propriety of the issuance of a license for such premises, and to the time it shall issue, and the period for which it shall be issued, and shall have the further power to exact conditions under which said license shall be conducted.

Section 14. License Year: Renewal of Licenses. (1) Licenses shall become due and payable on or before January the first of each year, for the ensuing year, and shall be delinquent if not secured by January 20th of each year, subject to a penalty of One Hundred (\$100.00) Dollars for each day said person or firm fails or refuses to file application and obtain said license, while continuing to enjoy the privileges allowed under said license.

(2) Unless previously revoked, every license issued by the Board under this Act shall expire and terminate on the thirty-first day of December in the year for which the license is issued.

(3) Licenses issued under the provisions of this Act shall be renewed annually upon the filing of applications, in such form as the Board shall prescribe, but no license shall be renewed until the applicant shall pay to the Board the requisite application fee and license fees of counties as herein above described.

Section 15. The Board shall have full and final authority as to the suspension or revocation of any license issued hereunder. It shall have the full right and authority to suspend any license issued to any hotel, restaurant or club for any reason which it may deem sufficient and proper.

Section 16. Sales of Liquor by Licensees—Every hotel, restaurant or club licensee may sell liquor, vinous and malt or brewed beverages by the glass, open bottle or other container, and in any mixture for consumption only in that part of the club, hotel or restaurant habitually used for the serving of foods to guests or patrons, and, in the case of hotels and clubs, to guests or members in their private rooms in the hotel or club. In the case of a restaurant located in a hotel, which is not operated by the owner of the hotel and which is licensed to sell liquor under this Act, liquor may be sold for consumption in that part of the restaurant habitually used for the serving of meals to patrons, and also to guests in private guest rooms in the hotel.

A hotel, club or restaurant licensee shall not maintain any counter or bar at or over which liquors, vinous or malt beverages are sold to guests, patrons, or members.

No hotel, club or restaurant licensee shall employ any person under the age of twenty-one (21) years to sell or dispense alcoholic beverages of any kind.

The Board may, with the approval of the Governor, temporarily close all licensed places within any municipality during any period of emergency proclaimed to be such by the Governor.

Section 17. Sale of Malt or Brewed Beverages—Every license

issued to a hotel, restaurant, club or railroad, pullman or steamship company under this Act for the sale of liquor, shall authorize the licensee to sell vinous and malt or brewed beverages at the same places, but subject to the same restrictions and penalties as apply to sales of liquor, except that licensees may sell vinous, malt or brewed beverages not in excess of twenty-four (24%) percent alcoholic content by volume, for consumption off the premises where sold in the manner hereinafter set forth.

Section 18. (1) Public Service Liquor Licenses—Subject to the provisions of this Act and regulations promulgated under this Act, the Board upon application shall issue liquor licenses to railroad or pullman companies permitting liquor, vinous and malt or brewed beverages to be sold in dining, club or buffet cars, to passengers for consumption while en route on such railroad and may issue liquor licenses to steamship companies permitting liquor, vinous or malt or brewed beverages to be sold in the dining compartments of steamships or vessels, whenever operated in the State. Such licenses shall be known as public service liquor licenses. The Board may issue a master license to railroad or pullman companies to cover the maximum number of cars which the company shall estimate that it will operate within the State on any one day. Such licensees shall file monthly reports with the Board showing the maximum number of cars operated in any one day during the preceding month, and if it appears that more cars have been operated than covered by its license, it shall forthwith remit to the Board the sum of Twenty (\$20.00) Dollars for each extra car so operated.

Persons licensed as Public Service licensees under the provisions of any law of this State relating to the sale of liquor and malt or brewed beverages shall not be required on reaching the borders of this State to evidence the payment of the tax herein provided for by affixing malt beverage tax stamps, lids, or crowns as provided for in this act on any malt or brewed beverage on which the State malt beverage tax has not been prepaid, but instead shall keep such records of the sales of such malt or brewed beverages in this State as the Board shall prescribe, shall submit monthly reports of such sales to the Board upon a form prescribed therefor by said Board, and shall pay the tax due by the provisions of this act at the time such reports are filed.

For the purpose of considering an application by a steamship company for a public service liquor license, the Board may cause an inspection of the steamship or vessel for which a license is desired. The Board, may in its discretion, grant or refuse the license applied for, and there shall be no appeal from its decision, except that an action of mandamus may be brought against the Board in the manner provided by law. Every applicant for a public service liquor license shall, before receiving such license,

pay to the Board for each of the maximum number of dining, club or buffet cars which the applicant estimates it will have in operation on any one day, an annual fee of Twenty (\$20.00) Dollars for each steamship or vessel for which a license is desired an annual fee of Fifty (\$50.00) Dollars.

Unless previously revoked, every license heretofore issued by the Board under this section shall expire and terminate on the thirty-first day of December in the year for which the license is issued. Licenses issued under the provisions of this section shall be renewed annually as herein provided upon the filing of application in such form as the Board shall prescribe, but no license shall be renewed until the applicant shall pay the requisite license fee specified in this section.

Sales of liquor, vinous beverages and malt or brewed beverages by public service company licensees shall be made in accordance with and shall be subject to the provisions of this Act relating to the sale of such articles.

Section 19. Manufacturers' Distributors' Wholesale Licenses —(1) It shall be unlawful for any person to manufacture vinous beverages and malt or brewed beverages for sale and distribution within this State or otherwise, unless such person holds a valid manufacturer's license issued by the Board. The Board shall issue to any person of good repute who applies therefor, pays the license fee hereinafter prescribed, a manufacturers' license to produce and manufacture vinous beverages and malt or brewed beverages, and to transport, sell and deliver vinous beverages and malt or brewed beverages at or from one or more places of manufacture or storage only in original packages anywhere within the State. Each individual applicant for a manufacturers' license and in the case of partnerships and associations, each member thereof shall be a citizen of the United States on the date of the respective application.

In the case of corporations organized or registered under the laws of this State, it must appear that all of the officers and directors and the owners of at least fifty-one per centum of the capital stock of the corporation are citizens of the United States. The application for such license shall be in such form and contain such information as the Board shall require. All such licenses shall be granted for the calendar year, the license fee shall be reduced one-twelfth for each full month such license was not in force during the calendar year. Every manufacturer shall keep at his or its principal place of business within the State, daily permanent records which shall show (a) the quantities of raw materials received and used in the manufacture of vinous beverages and malt or brewed beverages, and the quantities of vinous beverages and malt or brewed beverages manufactured and stored,

(b) the sale of vinous beverages and malt or brewed beverages (c) the quantities of vinous and malt or brewed beverages stored for hire or transported for hire by or for the licensee and, (d) the names and addresses of the purchasers or other recipients thereof. Every place licensed as a manufacturer shall be subject to inspection by members of the Board or by persons duly authorized and designated by the Board at any and all times of the day or night as they may deem necessary, (e) for the detection of violations of this Act or of the rules and regulations of the Board, or for the purpose of ascertaining the correctness of the records required to be kept by licensees. The books and records of such licensees shall, at all times, be open to inspection by members of the Board, or by persons duly authorized and designated by the Board. Members of the Board and its duly authorized agents shall have the right, without hindrance, to enter any place which is subject to inspection hereunder, or any place where such records are kept for the purpose of making such inspections and making transcript thereof.

2. The Board shall issue to any reputable person who applies therefor, pays the license fee hereinafter prescribed, a distributor's or wholesalers' license for the place which such person desires to maintain for the sale of vinous and malt or brewed beverages not for consumption on the premises where sold and in original packages as prepared for the market by the manufacturer. Such licenses shall be issued only to reputable individuals, partnerships and associations who are, or whose members are, citizens of the United States, or to reputable corporations organized or duly registered under the laws of the State of Alabama. Such licenses shall be issued to corporations duly organized or registered under the laws of the State of Alabama only when it appears that all of the officers and directors of the corporation are citizens of the United States, and that at least fifty-one per centum of the capital stock of such corporation is actually owned by individuals who are citizens of the United States. Such license shall authorize the holder thereof to sell or deliver vinous or malt or brewed beverages in sealed containers anywhere within the State of Alabama.

(3) Only malt or brewed beverages as herein defined and vinous beverages of an alcoholic content of not exceeding twenty-four (24%) percent by volume can be sold and/or distributed under licenses issued to any wholesaler, distributor and/or retailer of such beverages as enumerated and defined and licensed as such under this Act. All alcoholic beverages containing more than twenty-four (24%) percent by volume will be manufactured, imported, sold and/or distributed by the Board through the State Liquor Stores in the manner prescribed in this Act.

Section 20. (1) Licenses issued under this Act to distributors, wholesalers and retailers shall, unless revoked in the manner provided in this Act, be valid for the license year which, in the case of retailers, shall begin on the first day of January of each year and, in the case of distributors and wholesalers, shall be for such license year as may be established by the Board, Retailers' licenses may be issued at any time during the license year.

Licenses issued under this Act to manufacturers and public service companies shall, unless revoked in the manner provided in this Act, be valid for the calendar year for which they are issued. Licenses to manufacturers and public service companies may be issued at any time during a calendar year.

Section 21 (a) Filing of Applications for Distributors', Wholesalers', and Retailers' Licenses—Every person intending to apply for a distributor's, wholesaler's, or retailer's license as aforesaid, in any municipality or county in this State shall file with the Board his or its application. In the case of distributors and wholesalers applications shall be filed at a time to be fixed by the Board. The applicant shall at the time of filing the application pay said Board the filing fee of Ten (\$10.00) Dollars as specified in this Act.

(B) Application for Distributors, Wholesalers' and Retailers' Licenses—Application for Distributors', Wholesalers' and Retailers' licenses shall contain the following information and statements:

(1) The name and residence of the applicant, and how long he has resided there; and if an association, partnership, or corporation, the residences of the members, officers and directors;

(2) The particular place for which the license is desired, and a detailed description thereof;

(3) Place of birth of applicant, and if a naturalized citizen, where and when naturalized; and if a corporation organized or registered under the laws of the State, when and where incorporated with the names and addresses of each officer and director; if the application is for a distributors' or wholesalers' license and the applicant therefor is a corporation, the application shall also contain a statement that all of the officers and directors are citizens of the United States, and the further statement that at least fifty-one per centum of the capital stock of the corporation is actually owned by individuals who are citizens of the United States;

(4) Name of owner of premises and his residence;

(5) That the applicant is not, or in case of a partnership or association, that the members or partners are not, and in the case of a corporation, that the officers and directors are not, in any manner pecuniarily interested either directly or indirectly in the

profits of any other class of business regulated under this Act, except as hereinafter permitted;

(6) That applicant is the only person in any manner pecuniarily interested in the business so asked to be licensed, and that no other person shall be in any manner pecuniarily interested therein during the continuance of the license, except as hereinafter permitted.

(7) Whether applicant, or in case of a partnership or association any member or partner thereof, or in case of a corporation any officer or director thereof, has, during the three years immediately preceding the date of said application, had a license for the sale of malt or brewed beverages or spiritous and vinous liquors revoked;

(8) A full description of the portion of the premises for which license is asked and if any other business is to be conducted concurrently with the sale and distribution of vinous and malt or brewed beverages, a full history of such business relating the nature thereof, the length of time it has so previously been conducted by the applicant or his predecessor, at such location;

(9) Every club applicant shall file with and as a part of its application, a list of the names and addresses of the directors and officers, and such other information with respect to its operation as the Board shall require. The Board shall refuse to issue licenses to clubs when it appears that the operation of the club license would inure to the benefit of individual members, officers, agents or employees of the club rather than to the benefit of the entire membership of the club. The application must be verified by affidavit of applicant, and if any false statement is intentionally made in any part of the application, the affiant shall be deemed guilty of the crime of perjury. A license shall not be granted by the Board unless the application contains the information herein required, and the premises meet such reasonable sanitary requirements as the Board by regulations shall prescribe.

(c) Prohibitions Against the Grant of Licenses—

(1) Any retail dispenser may be granted licenses to maintain, operate or conduct any number of places for the sale of vinous and malt or brewed beverages, but a separate license must be secured for each place where vinous and malt and brewed beverages are sold. Provided, there shall be no licenses issued by the Board for the sale of Alcoholic beverages, by Rolling Stores. Any retail dispenser may be granted license to maintain, operate or conduct any number of places for the sale of vinous and malt or brewed beverages; but the fees for such licenses shall be graduated upon a basis of $33 \frac{1}{3}$ for each license above the cost of the last preceding license.

(2) No person shall possess or be issued more than one distributors or wholesalers' license. No distributor or wholesaler shall maintain or operate any place where sales are made other than that for which the license is granted. No distributor or wholesaler shall maintain any place for the storage of vinous and malt or brewed beverages unless the same has been approved by the Board. No distributor's or wholesaler's license shall be issued for any premises in any part of which there is operated any retail license for the sale of liquor, vinous or malt or brewed beverages.

(3) Licenses shall be granted by the Board only to reputable individuals, or to associations, partnerships and corporations whose members or officers and directors are reputable individuals.

(d) (1) Any licensee whose retail license is revoked shall be ineligible to have a license or permit under this Act or under any other Act relating to the manufacture, sale or distribution of malt liquor or other alcoholic liquors, until the expiration of three years from the date his license was revoked.

(2) The Board upon sufficient cause being shown or proof being made that any licensee holding a license issued by the Board, or any partners, members, officers or directors of the licensee has or have violated any of the laws of this State relating to the manufacture, sale, possession or transportation of malt or brewed beverages, alcohol or other alcoholic beverages may upon due notice and proper hearing being given to the person so licensed, suspend or revoke the license issued by the Board under the provisions of this Act. In all cases where the Board shall suspend or revoke a license, it shall set forth its findings of fact, the evidence from which such findings of fact are made, and the reasons upon which its action is based. Any licensee whose license is revoked by the Board shall be ineligible to have a license under this Act or under any other Act of the State of Alabama relating to the manufacture, transportation, or sale of liquor or malt or brewed beverages until the expiration of three years from the date such license was revoked.

(e) (1) Renewal of Licenses—All applications for renewal of licenses shall be filed at least sixty days before the expiration date of same and not thereafter. Unless, within one month of the date of filing of such application for renewal, the applicant shall have been notified by the Board of objections to the granting thereof, filed by persons authorized so to do, upon the payment of the application fee and license fees as in the case of an original application for license, the Board shall issue such renewal of license.

Section 22. License Fees: Distribution of Revenues:—No license shall be issued to any manufacturer, distributor, whole-

saler, or retail dispenser until the licensee shall have first paid an annual license fee for such grant, as follows:

(1) In the case of a manufacturer, the license fee shall be One Thousand (\$1,000.00) Dollars for each place of manufacture, and shall be paid to the Board.

(2) In the case of a wholesale distributor, the license fee shall be Two Hundred and Fifty (\$250.00) Dollars, and shall be paid to the Board.

(3) In the case of a retail dispenser, such license fee as may be levied by the county in which his place of business is located, and shall be paid to the Board.

(4) In the case of a public service license for cars, the fee shall be (\$10.00) Dollars per car for the maximum number of cars operated on any one day on which vinous and malt or brewed beverages are sold, to be paid to the Board.

(5) In the case of a public service license for the sale of vinous, malt or brewed beverages on a boat or vessel, the fee shall be Ten (\$10.00) Dollars for each such Vessel or boat, and shall be paid to the Board.

(6) The license fees fixed by this Section shall be paid before the license or renewal is issued.

(7) The license fees for manufacturer, distributors, wholesalers and public service licenses, and all filing fees for such licenses and all permit fees shall be transmitted to the State Treasurer by the Board and shall be paid into the State Stores Fund. License fees paid for retail dispenser licenses shall be paid by the Board to the counties in which the licensed places are located, and in which such licenses are levied.

Section 23. (a) Sales by Manufacturers: Minimum Quantities—No manufacturer shall sell any vinous and/or malt or brewed beverages direct to any retailer or for consumption on the premises where sold, nor sell or deliver any such vinous and/or malt or brewed beverages in other than original containers, approved as to capacity by the Board, nor shall any manufacturer maintain or operate within the State any place or places, other than the place or places covered by his or its license where vinous and/or malt or brewed beverages are sold or where orders are taken.

(b) Sales by Distributors and Wholesalers. No distributor or wholesaler shall purchase, receive or re-sell any vinous and/or malt or brewed beverages except in the original containers, as prepared for the market by the manufacturer. No vinous and/or malt or brewed beverages sold or delivered shall be consumed upon the premises of the distributor or wholesaler in any place provided for such purpose by such distributor or wholesaler.

(c) Sales by Retailers. No retailer shall purchase or receive any vinous and/or malt or brewed beverages except from regular

licensed wholesalers or distributors duly licensed under this Act. And all such vinous and/or malt or brewed beverages must be received in original containers as prepared for the market by the manufacturer. The retail dispenser may thereafter break the bulk upon the licensed premises and sell or dispense the same for consumption on or off the premises so licensed; provided, however, there shall be no draft or keg beer or malt beverages sold or dispensed within the State. All such beer and malt beverages must be sold or dispensed from bottles, cans, etc.

No retailer shall sell any vinous and/or malt or brewed beverages for consumption on the licensed premises except in a room or rooms or place on the licensed premises at all times accessible to the use and accommodation of the general public; but this section shall not be interpreted to prohibit a hotel or club licensee from selling vinous and/or malt or brewed beverages in any room of such hotel or club house occupied by a bona fide registered guest or member entitled to purchase the same.

(d) The Board shall issue licenses to wineries for receiving bulk wine in this State, for bottling purposes. Said bulk wine shall be put up in sealed containers not exceeding one gallon each. The Board shall collect an annual license of One Thousand (\$1,000.00) Dollars for receiving wine in bulk for bottling purposes. The sale and distribution of such wine shall be subject to the provisions of this Act, and all of the rules and regulations of the Board as pertains to wholesalers and distributors of vinous and/or malt or brewed beverages, as set out in this Act.

Section 24. Unlawful Acts:—It shall be unlawful:

(1) For any manufacturer, wholesaler, or distributor, or the servants, agents or employees of the same to sell, trade or barter in vinous and/or malt or brewed beverages between the hours of nine o'clock P. M. of any Saturday and nine o'clock in the forenoon of the following Monday.

(2) For any licensee to sell, furnish or give any beverages to any person visibly intoxicated, or to any insane person or to any minor, or to habitual drunkards, or persons of known intemperate habits.

(3) For any licensee to sell, furnish or give any liquor, vinous and/or malt or brewed beverages to any person until the hour after the time fixed by law for the closing of polling places on days on which a general, municipal, special or primary election is being held.

(4) For any licensee to fail to keep for a period of at least two years, complete and truthful records covering the operation of his license and particularly showing the date of all purchase of vinous and/or malt or brewed beverages, the actual price paid therefor and the name of the vendor, or to refuse the board or an autho-

rized employee of the Board access thereto or the opportunity to make copies of the same when the request is made during business hours.

(5) For any licensee to refuse the Board or any of its authorized employees the right to completely inspect the entire licensed premises at any time during which the premises are open for the transaction of business.

(6) For any retail dispenser to furnish, give, or sell below fair cost any lunch to any consumer except such articles of food as the Board may authorize and approve.

(7) For any licensee to be directly or indirectly employed by any other licensee engaged in the manufacture, storage, transportation or sale of spirituous, or vinous liquors, alcohol or malt or brewed beverages.

(8) For any licensee to knowingly sell any vinous and/or malt or brewed beverages to any person engaged in the business of illegally selling liquor, vinous and/or malt or brewed beverages.

(9) For any person to manufacture, transport or import any vinous and/or malt or brewed beverages into this State, except in accordance with the rules and regulations of the Board, or for any person to transport vinous and/or malt or brewed beverages into or within this State unless there shall be affixed to the original container in which such vinous and/or malt or brewed beverages are transported, stamps, crowns or lids evidencing the payment of the vinous and/or malt tax to the State. Provided, however, that this clause shall not be construed to prohibit transportation of vinous, and/or malt or brewed beverages through this State and not for delivery therein if such transportation is done in accordance with the rules and regulations of the Board.

Section 25. (1) Things of Value Not to be Offered: It shall be unlawful for any person licensed to sell vinous and/or malt or brewed beverages to offer or give anything of value as a premium for the return of caps, stoppers, corks, stamps, or labels taken from any bottle, case, barrel or package containing such vinous and/or malt or brewed beverages, or to offer to give anything of value as a premium or present to induce the purchase of such vinous and/or malt or brewed beverages or for any other purpose whatsoever in connection with the sale of such vinous and/or malt or brewed beverages: Provided, however, that this section shall not apply to the return of any moneys specifically deposited for the return of the original containers to the owners thereof.

(2) Unlawful to fortify, Adulterate, or Contaminate vinous and/or malt or brewed beverages: It shall be unlawful to fortify, adulterate, contaminate, or in any wise to change the character or purity of the vinous and/or malt or brewed beverages from that as originally marketed by the manufacturer.

(3) Transportation in Original Packages: It shall be unlawful for any licensee or transporter for hire to transport any vinous and/or malt or brewed beverages except in the original containers. It shall be unlawful for any transporter for hire to transport any vinous and/or malt or brewed beverages within this State unless such transporter shall hold a permit issued by the Board and shall have paid to the Board a permit fee, not exceeding One Hundred (\$100) Dollars.

(4) Delivery Vehicles to bear Name and Address of Distributor, Wholesaler, or Manufacturer: It shall be unlawful for a manufacturer, wholesaler or distributor to deliver any vinous and/or malt or brewed beverages excepting in vehicles bearing the name and address and license number of such distributor, wholesaler or manufacturer painted or affixed on each side of such vehicle in letters no smaller than four inches in height.

(5) Interlocking Business Prohibited: (1) No manufacturer and no officer or director of any manufacturer shall, at the same time, be a distributor, wholesaler or retail dispenser, or an officer, director or stockholder or creditor of any distributor, wholesaler or retail dispenser, nor except as hereinafter provided, be the owner, proprietor or lessor of any place covered directly or indirectly by any distributor's, wholesaler's vinous and/or malt or brewed beverage liquor license.

(6) No distributor or wholesaler and no officer or director of any distributor or wholesaler shall at the same time be a manufacturer or retailer, or be an officer, director, stockholder or creditor of a manufacturer or retailer, or be the owner, proprietor or lessor of any place covered by any other vinous and/or malt or brewed beverage or liquor license.

(7) No licensee licensed under this Act, shall directly or indirectly own any stock of, or have any financial interest in, any other class of business licensed under this Act.

(8) Excepting as hereinafter provided, no manufacturer, wholesaler or distributor shall in any wise be interested, either directly or indirectly in the ownership or lease hold of any property, or in any mortgage against the same, for which a liquor or retail dispensers' license is granted; nor shall a manufacturer, wholesaler or distributor, either directly or indirectly, lend any moneys, credit or equivalent thereof to any retailer in equipping, fitting out or maintaining and conducting, either in whole or in part, an establishment or business operated under a liquor retail dispensers' license, excepting only the usual and customary credits allowed for returning packages or containers in which vinous and/or malt or brewed beverages were packed for market by the manufacturer.

(9) Excepting as hereinafter provided, no manufacturer shall in any wise be interested, either directly or indirectly, in the owner-

ship or leasehold of any property, or any mortgage lien against the same, for which a distributor's or wholesaler's license is granted, nor shall a manufacturer, either directly or indirectly, lend any moneys, credit or their equivalent to any distributor or wholesaler in equipping, fitting out, or maintaining and conducting, either in whole or in part, an establishment or business where vinous and/or malt or brewed beverages are licensed for sale by a distributor or wholesaler, excepting only the usual credits allowed for the return of packages or containers in which vinous and/or malt or brewed beverages were originally packed for the market by the manufacturer.

(10) No distributor, wholesaler or retail dispenser shall in any wise, either directly or indirectly, receive any credit, loan, moneys, or the equivalent thereof from any other licensee, or from or through a subsidiary or affiliate of another licensee or from any firm, association, or corporation, except banking institution in which another licensee or any officer, director or firm member of another licensee has a substantial interest or exercises a control of its business policy for equipping, fitting out, payment of license fee, maintaining and conducting, either in whole or in part, an establishment or business operated under a distributor's, wholesaler's or retail dispenser's license, excepting only the usual and customary credits allowed for the return of packages or containers in which vinous and/or malt or brewed beverages were packed for the market by the manufacturer.

The purpose of this section is to require a separation of the financial and business interest between the various classes of business regulated by this Act, and no person or corporation shall by any device whatsoever directly or indirectly, evade the provisions of this section.

Section 26. The Alabama Alcoholic Beverage Control Board is hereby authorized, empowered and directed to supervise the conduct, management and operation of the sale and distribution within this State of all malt or brewed beverages as herein defined and vinous beverages of an alcoholic content of not to exceed twenty-four (24%) percent by volume. Further, the Alabama Alcoholic Beverage Control Board is hereby authorized and directed to collect all licenses and taxes levied herein, accruing from the sale, distribution, receipt and/or storing for the purpose of sale within this State, any and all malt and vinous beverages hereinafter enumerated and defined.

Section 27. That in addition to all other taxes now imposed by law and in addition to licenses provided for in this Act, there is hereby levied a license or privilege tax on every person licensed under this Act who sells and/or stores, and/or receives for the purpose of distribution to any person, firm, corporation, club or association within the State of Alabama beer and/or wine as here-

inabove enumerated and defined, either or all, a tax shall be measured by and graduated in accordance with the volume of sales of such persons, said tax to be collected by the Alabama Alcoholic Beverage Control Board in the following amounts and in the manner hereinafter set forth.

(a) As to malt beverages, such as beer, ale, etc., there shall be paid a tax of one-half ($0\frac{1}{2}$) cent on each twelve (12) fluid ounces or fractional part thereof.

(b) As to "wines" as defined herein, there shall be paid a tax of two (\$.02) cents on each pint or fractional part of all light or still wines; a tax of four (\$.04) cents on sparkling wines; a tax of four (\$.04) cents on all cordials and liquors.

Section 28. There shall be no electric signs, painted signs, etc., displayed outside any place of business advertising alcoholic beverages as enumerated and defined. Malt or brewed beverages must be sold in sealed containers such as bottles or cans, each bottle or can containing not to exceed one pint or sixteen ounces.

All such beverages must be sold and/or served to consumers or persons seated at tables. Wholesalers and/or manufacturers and/or distributors cannot directly or indirectly give, supply, furnish, or grant to any retailer any accessories, furniture, or fixtures, etc. It is the intent and purpose of this Act that no so-called open saloon be operated within this State. The Alabama Alcoholic Beverage Control Board shall have the authority to promulgate rules and regulations for the carrying out of this section. Any person who violates any of the provisions of this section, or any rule or regulation promulgated in conformity with this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than Five Hundred (\$500.00) Dollars for each offense, and in addition may be imprisoned in the county jail for not to exceed six (6) months.

Section 29. The tax herein levied shall be paid through the use of stamps, crowns or lids. Stamps, crowns or lids in denominations to the amount of the tax shall be affixed to the bottles, cans or containers from or in which articles taxed herein are normally sold at retail. All taxable articles herein enumerated, when offered for sale, either at wholesale or retail, without having stamps, crowns or lids affixed in the manner set out in this act, shall be subject to confiscation in the manner provided for contraband goods as set out in this Act.

Section 30. Method and Time of Affixing Stamps. The license taxes imposed by this Act shall be paid by affixing stamps, crowns or lids in the manner and at the time herein set forth. The stamps, crowns or lids shall be affixed to the bottle, or container, in which or from which normally sold at retail. Time allowed for affixing stamps, crowns or lids shall be as follows: Every wholesaler, distributor or retail dealer in this State shall immediately

after receipt of any unstamped taxable articles enumerated and defined herein, unless sooner offered for sale, cause the same to have the requisite denominations and amount of stamp, crown or lid or stamps, crowns or lids to represent the tax affixed as stated herein, and to cause same to be cancelled by writing or stamping across the face of each stamp the registered number of such wholesaler, distributor or retailer, said number to be furnished by the Board.

Section 31. Wholesaler, Distributor, or Retail Dealer. The stamping of alcoholic beverages as enumerated and defined herein shall actually begin within one (1) hour after receipt of said alcoholic beverages in the premises of the wholesaler, distributor or retail dealer and said stamping shall be continued with reasonable diligence by the wholesaler, distributor, or retail dealer until all of the unstamped alcoholic beverages as enumerated and defined herein have been stamped and the stamps cancelled as provided by law.

Provided, further, that any wholesaler or distributor engaged in interstate business who shall furnish surety bond in an amount and of tenor and solvency satisfactory to the Board shall be permitted to set aside such a part of his stock as may be necessary for the conduct of such interstate business without affixing the stamps required by this Act. Said interstate stock shall be kept in an entirely separate part of the building, separate and apart from the stamped stock. Every wholesale dealer or distributor shall at the time of shipping or delivering any alcoholic beverages as enumerated and defined herein make a true duplicate invoice of the same which shall show full and complete details of the sale or delivery of the taxable articles, and shall retain the same subject to the use and inspection of the Board, or its duly authorized agents for a period of three (3) years. Wholesalers, distributors, and retail dealers shall also keep a record of purchases of all alcoholic beverages enumerated and defined herein and hold all books, records, and memoranda pertaining to the purchase and sale of such alcoholic beverages enumerated and defined herein, open to the inspection of the Board or its duly authorized agents at any and all times. Every wholesale dealer or distributor shall furnish to the Board a monthly report between the first and tenth of each month for the preceding month, of all orders for alcoholic beverages enumerated and defined herein, purchased through said wholesale dealer and/or distributor from without the State on a drop shipment and consigned direct to the person, firm, corporation or association of persons ordering such alcoholic beverages from without this State through such wholesale dealer and/or distributor.

If, upon examination of invoices of any wholesaler or distributor or retail dealer, he is unable to furnish evidence to the Board of sufficient stamp purchases to cover unstamped alcoholic bev-

erages as enumerated and defined herein, purchased by him, the prima facie presumption shall arise that such alcoholic beverages were sold without the proper stamps affixed thereto.

Any wholesaler, distributor or retailer who fails or refuses to comply with any or all of the above provisions, shall be deemed a violator of this section and upon conviction shall be punished by a fine of not less than Five Hundred (\$500.00) Dollars, nor more than One Thousand (\$1,000.00) Dollars, or imprisonment in the county jail for a period of six (6) months, either or both, at the discretion of the Court.

Section 32. Drop Shipments. Any retail dealer of alcoholic beverages enumerated and defined herein purchasing or receiving such commodities from without the State, whether the same shall have been ordered or purchased through a wholesaler or jobber in this State, and/or by drop shipment, and/or otherwise, shall within twelve (12) hours of receipt of such alcoholic beverages mail by registered mail a true duplicate invoice of all such purchases or receipts to the Board at Montgomery, Alabama, said invoice carrying the name of the person or firm from whom or through whom such purchases or shipments of the alcoholic beverages enumerated and defined herein so received, showing kinds and quantities. Any retail dealer failing or refusing to furnish duplicate invoices, in both the manner and time allowed, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Fifty (\$50.00) Dollars for each offense, or imprisonment in the county jail for a period not exceeding sixty (60) days.

Section 33. Commodities Subject to Confiscation. Any alcoholic beverages enumerated and defined herein, or other products taxable under this Act, found at any point within the State of Alabama, which said alcoholic beverages enumerated and defined herein, or other products taxable under this Act, shall have been within the State of Alabama for a period of two (2) hours, or longer, in possession of any retailer, or for a period of thirty-six (36) hours, or longer, in possession of any wholesaler or distributor not having affixed to the packages as above defined the stamps, crowns, or lids as above provided, are hereby declared to be contraband goods and the same may be seized by the Board, or its agents, and/or by any peace officer of the State of Alabama, without a warrant and the said goods shall be delivered to the Board for sale at public auction to the highest bidder after due advertisement, but the Board before delivering any of said goods so seized, shall require the purchaser to affix the proper amount of stamps, crowns or lids to the individual package as above defined. The proceeds of sale for any goods sold hereunder shall be turned over to the State Treasurer by the Board as other funds collected by said Board. Provided, that the cost of confiscation and sale shall be paid out of the proceeds derived from such sales before

making remittance to the State Treasurer. Provided, further, that any of the goods, wares, or merchandise herein enumerated, and all such goods, wares or merchandise when offered for sale, either at wholesale or retail without the stamps, crowns or lids having been first affixed, shall be subject to confiscation as hereinabove provided. Provided, further, that any vehicle not a common carrier, which may be used for the transportation for the purpose of sale of unstamped articles as hereinabove enumerated shall likewise be subject to confiscation and sale in the manner as above provided for goods, wares or merchandise without stamps, crowns or lids. Provided, further, should any alcoholic beverages without stamps, crowns or lids as enumerated and defined herein be found in any vehicle which is engaged in the sale, distribution or delivery of taxable alcoholic beverages, the same shall be prima facie evidence that it was there for sale.

Section 34. Other Commodities Subject to Confiscation. Any alcoholic beverages as enumerated and defined in this Act, to be sold and/or distributed by and through State Liquor Stores, found within this State in the possession of or on the premises of any person, firm, corporation or association of persons not having affixed thereto such mark of identification showing that said alcoholic beverages were sold and/or distributed by a State Liquor Store, shall be subject to confiscation and sale in the same manner as set forth in this Act for malt or brewed beverages as defined herein, and vinous beverages not exceeding twenty-four (24%) percent by volume which do not have affixed thereto the required revenue stamps as provided for in this Act, and said persons who are found guilty of having in their possession any such contraband liquors, shall be subject to the same fines and imprisonment as set forth in this Act for persons having in their possession any malt and/or vinous beverages without the proper stamps affixed as required by this Act.

Section 35. Procedure When Goods Are Confiscated. In all cases of seizure of any goods, wares, merchandise, or other property hereafter made as being subject to forfeiture under provisions of this Act which in the opinion of the officer, or person, making the seizure, are of the appraised value of Fifty (\$50.00) Dollars, or more, the said officer or person shall proceed as follows: First, he shall cause a list containing a particular description of the goods, wares, merchandise or other property seized, to be prepared in duplicate and appraisement thereof to be made by three sworn appraisers to be selected by him, who shall be respectable and disinterested citizens of the State of Alabama, residing within the county wherein the seizure was made. Said list and appraisement shall be properly attested by said officer, or persons, and said appraisers, for which service each of said appraisers shall be allowed the sum of One (\$1.00) per day, not exceeding two (2)

days, to be paid by the Board out of any revenue received by it from the sale of the confiscated goods, or the compromise which may be effected. Second: If the said goods are believed by the officer making the seizure to be of value of less than Fifty (\$50.00) Dollars, no appraisalment shall be made. The said officer, or person, shall proceed to post a notice for three (3) weeks in writing at three (3) places in the county where the seizure was made, describing the articles and stating the time and place and cause of their seizure and requiring any person claiming them to appear and make such claim in writing within thirty (30) days from the date of the first posting of such notice. Third: Any person claiming the said goods, wares, or merchandise, or other property so seized as contraband, within the time specified in the notice, may file with the Board a claim in writing, stating his interest in the articles seized, and may execute a bond to the Board in a penal sum equal to double the value of said goods so seized, but in no case shall said bond be less than the sum of Two Hundred (\$200.00) Dollars, with sureties to be approved by the clerk of the circuit court in the county in which the goods are seized, conditioned that in the case of condemnation of the articles so seized, the obligor shall pay to the Board the full value of the goods so seized and all costs and expenses of the proceedings to obtain such condemnation, including a reasonable attorney's fee. And upon the delivery of such bond to the Board, it shall transmit the same with the duplicate list or description of the goods seized to the solicitor of the circuit court in which such seizure was made, and the said solicitor shall file a bill in the circuit court in equity of the county where the seizure was made to secure the forfeiture of said goods, wares, merchandise or other property. Upon the filing of the bonds aforesaid the said goods shall be delivered to the claimant pending the outcome of said case. Provided, however, said goods must have the proper stamps, crowns or lids affixed to each such article of alcoholic beverage enumerated and defined herein before turning same over to claimant, the stamps, crowns or lids so affixed to be paid for by claimant when goods properly stamped are delivered by the Board. Fourth: If no claim is interposed and no bond given within the time above specified, such goods, wares, merchandise or other property shall be forfeited without further proceedings and the same shall be sold as herein provided. And the proceeds of sale when received by the Board shall be turned in to the State Treasury as other revenues collected by said Board. Provided, that in seizure in quantities of less value than Fifty (\$50.00) Dollars, the same may be advertised with other quantities at Montgomery, Alabama, by the Board and disposed of as hereinabove provided. The proceedings against goods, wares, merchandise, or other property, pursuant to the provisions of this Act, shall be considered as proceedings in rem unless otherwise herein

provided. Provided, however, should the Board have to resort to the Courts for collection of the tax due and assessed, no advertisement shall be made and the confiscated alcoholic beverages enumerated and defined may be held as evidence pending the results of Court action.

Section 36. The Board May Compromise Confiscation. The Board may in its discretion return any goods confiscated under this Act or any part thereof, when it is shown that there was no intention to violate the provisions of this Act. Provided, when any goods, merchandise, or other property, are confiscated under the provisions of this Act, the Board may, in its discretion, return such goods to the parties from whom they are confiscated if and when such parties shall pay to the Board, or its duly authorized representative, an amount equal to the tax due under this Act on the goods confiscated, and in such cases no advertisement shall be made or notices posted in connection with said confiscation. The Board may promulgate rules and regulations governing the affixing of stamps, crowns or lids on any articles or commodities enumerated herein handled by persons, firms, or corporations operating on interstate common carriers.

Any rules or regulations of the Board when duly made and promulgated, shall have the full force and effect of law. Any person violating such rule when duly made and promulgated, shall be guilty of a misdemeanor and shall upon conviction be fined not less than Fifty (\$50.00) Dollars, nor more than One Hundred (\$100.00) Dollars for each offense.

Section 37. All "Common Carriers," contract carriers, buses and trucks transporting alcoholic beverages enumerated and defined herein, may be required under regulations to be prescribed by the Board to transmit to said Board a periodic statement of such consignments or deliveries of alcoholic beverages as enumerated and defined herein, showing date, point of origin, point of delivery and to whom delivered, and time of delivery, and all common carriers, buses, or trucks shall permit the examination by the Board, or its agents, of their records relating to shipment or receipt of alcoholic beverages enumerated and defined herein. Common carriers, buses and trucks shall permit examination of their records of shipment or receipts relating to alcoholic beverages enumerated and defined herein when and where investigation made by the Board or its agents may deem it advisable and necessary to the enforcement of this Act. Inspectors, stamp deputies and other duly authorized agents of the Board, on proper identification from an authorization by the Board, shall make such examination.

Any person, firm, corporation, partnership or association of persons, who refuses to transmit to the Board the statements hereinabove provided for, or who refuses to permit the examination of his records by the Board, or its duly authorized agent, shall be

guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than One Hundred (\$100.00) Dollars nor more than Five Hundred (\$500.00) Dollars for each such offense.

Section 38. Enforcement by Inspection—Penalties for Interfering With Inspection. It shall be provided by regulations of the Board the methods of breaking packages, forms and kinds of containers and methods of affixing stamps that shall be employed by persons, firms, or corporations and subject to the tax imposed by this Act which will make possible the enforcement of payment by inspection, and any person, firm, or corporation subject to this tax, engaging in or permitting such practices as are prohibited by regulations of the Board, or in any other practice which makes it difficult to enforce the provisions of this Act by inspection, or if any person, firm, or corporation, agent or officer thereof, who shall upon demand of the Board, any officer, or agent of the Board, refuses to allow full inspection of the premises or any part thereof, or who shall hinder or in any wise delay or prevent such inspection when demand is made therefor, or in any way interferes with any agent of the Board in the performance of his duties in enforcing this Act confiscation of alcoholic beverages enumerated and defined herein deemed by agent of the Board to be contraband, is hereby declared to be one of the duties of an agent of the Board, shall be deemed guilty of a misdemeanor and shall, upon conviction, be fined not less than One Hundred (\$100.00) Dollars, nor more than Two Hundred (\$200.00) Dollars for each offense, or imprisonment in the county jail for a period not exceeding ninety (90) days, or both, in the discretion of the Court.

Section 39. Records. It shall be the duty of every person, firm, corporation, club or association of persons, receiving, storing, selling or handling alcoholic beverages enumerated herein in any manner whatsoever to keep and preserve all invoices, books, papers, cancelled checks, or other memoranda touching the purchase, sale, exchange or receipt of any and all alcoholic beverages enumerated herein for a period of three (3) years. All such invoices, books, papers, cancelled checks or other memoranda shall be subject to audit and inspection by any duly authorized representative of the Board at any and all times. Any person, firm, corporation, club or association of persons who fails or refuses to keep and preserve the records as herein required, or who upon request by a duly authorized agent of the Board fails or refuses to allow an audit of inspection of records as hereinabove provided, shall be guilty of a misdemeanor and shall upon conviction be punished by a fine of not less than Fifty (\$50.00) Dollars, nor more than Two Hundred (\$200.00) Dollars, or imprisoned in the county jail for a period not to exceed ninety (90) days for each offense.

Section 40. Reports by Wholesalers and Distributors. Each and every wholesaler or distributor qualifying as such with the

Board, shall be required to file a report between the first and tenth of each month, covering the purchase and/or receipt by them of all alcoholic beverages enumerated and defined herein, during the preceding month. Said report shall give in detail the different kinds and quantities of alcoholic beverages so purchased and/or received by them during the preceding month. Any wholesaler or distributor failing or refusing to file the above report in the manner and time allowed, shall be deemed a violator of this section and upon conviction shall be fined not less than One Hundred (\$100.00) Dollars, nor more than Five Hundred (\$500.00) Dollars for each offense.

Section 41. The Board is hereby authorized to design stamps, crowns or lids to be affixed to alcoholic beverages as herein defined sold in the State of Alabama, and shall require breweries, vendors or manufacturers of wine and distillers or wholesalers of all other alcoholic commodities to affix such stamps, crowns, or lids on beer, wines or liquors sold within the State.

Section 41½. (a) The board is hereby authorized and directed to have prepared and distributed stamps, tax-paid crowns and lids suitable for denoting taxes on all articles enumerated herein. Any person, firm, corporation or association of persons, other than the board or persons, firms, corporations or associations of persons designated and bonded by the board who sell stamps, tax-paid crowns or lids not affixed to alcoholic beverages sold and delivered by them, whether the said stamps, tax-paid crowns or lids be genuine or counterfeit, shall be guilty of a felony and punishable as set out in Section 47 of this Act. All stamps, crowns or lids provided for in this Act shall be prescribed by the Board and under rules and regulations prescribed by the Boards they shall be purchased by the manufacturer or other person after the payment of the tax imposed by this Act whenever such person, firm, or corporation as may be designated as manufacturers of such stamps, crowns, or lids by the board is authorized to enter into a contract on behalf of the State with one or more manufacturers for the manufacture, sale and distribution of such stamps, crowns or lids and shall require of such persons, firms or corporations so manufacturing, selling and distributing such stamps, crowns or lids a bond or bonds with a Company authorized to do business in the State as surety payable to the State of Alabama in such penalty and upon such conditions as in the opinion of the Board will adequately protect the State. The stamps, crowns or lids shall be manufactured, sold and distributed at the cost of the tax-payer.

(b) It is the intention and purpose of this Act to require all manufacturers and other persons as herein provided to affix stamps crowns or lids as will be prescribed by the Board to all original containers in which alcoholic beverages are normally placed and

prepared for market, received, sold or handled, before such beverages are sold, offered for sale, or held for sale within this State.

(c) Any person, firm, corporation or association of persons who desire to use tax-paid crowns or lids and having been qualified by the Board to use said tax-paid crowns or lids, as provided in this Section shall be required to pay the cost of the examination of their records by examiners of the board to determine the mount of taxes due and paid to the State by said person, firm, or corporation, said examination to be made at least quarterly by the examiners of the Board.

Section 42. Non-Taxable Sales. Where goods, wares or merchandise enumerated herein are sold and/or shipped to any person, firm, corporation or association of persons in another State, the seller and/or shipper in this State shall make and preserve for three (3) years a duplicate invoice bill, giving the name of the person, firm, corporation or association of persons to whom shipped, delivered or sold, the date and quantity of such merchandise so sold or shipped. Said seller in this State must have on file freight, express, or postal receipt for such merchandise showing same was turned over to a common carrier engaged in interstate commerce; further, if said merchandise be delivered by a conveyance belonging to seller in this State, said seller must have on file a receipt signed by purchaser showing such goods, wares, or merchandise were received by him in another State. All of the above records shall at all times be subject to the inspection and audit of any duly authorized agent of the Board.

Provided, further, that any goods, wares, or merchandise enumerated herein, that are sold to the United States Government for Army, Navy or Marine purposes, and which shall be shipped from a point within this State to a place which has been lawfully ceded to the United States Government for Army, Navy or Marine purposes, shall be subject to the same provisions as hereinabove mentioned for goods, wares, merchandise, sale or shipped to another State. Provided, further, that in case of goods, wares or merchandise enumerated herein, which shall be sold or delivered to ships belonging to the United States Navy for distribution and sale to members of the military establishment only, or sold and delivered to ships regularly engaged in foreign or coastwise shipping between points in this State and points outside this State, shall be subject to the same provisions as hereinabove mentioned for goods, wares or merchandise sold or shipped to another State. Provided, further, that the Board may promulgate rules and regulations from time to time to prevent any abuse of the provisions contained herein.

Provided, further, that any person, firm, corporation or association of persons, who shall be found guilty of violating any of the provisions as set out in this sub-section of this act, or who received

or stores any of the articles of alcoholic beverages enumerated herein for sale within the State of Alabama, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$200.00 nor more than \$500.00 or imprisoned in the county jail for a period not to exceed six (6) months, either or both, at the discretion of the Court.

Section 43. Definition of "Wholesaler and Distributor," "Retailer," and "Stamps," "Crowns" or "Lids." (a) The phrase "Wholesale dealer and Distributor," as used in this Act shall include persons, firms, or corporations who sell at wholesale only any one or more of the articles taxed herein to licensed retail dealers for the purpose of re-sale only. (b) The phrase "Retail Dealer," shall include every person, firm, or corporation other than a wholesale dealer, as defined in this sub-section who shall sell or offer for sale any one or more of the articles taxed herein, irrespective of quality or amount, or the number of sales; and all persons operating under a retail dealer's license. (c) The word "Stamps," "Crowns" or "Lids" as used herein means the stamps, crowns or lids by the use of which the tax levied under this Act is paid. The Board shall design the form and kind of stamps, crowns or lids to be used and shall duly adopt and promulgate such forms of stamps, crowns or lids. Such stamps, crowns or lids so adopted and promulgated shall be known and termed as "Alabama Revenue Stamps, Crowns or Lids" and in any information or indictment, it shall be sufficient to describe the stamps, crowns or lids as "Alabama Revenue Stamps, Crowns or Lids." (1) No person, firm, corporation, association or co-partnership operating more than one retail store or mercantile establishment within this State under the same ownership, supervision or management, or operating a wholesale and retail business under the same roof, shall be included within the meaning of the words, "Wholesaler or distributor," as the same are used in this Act. This provision is made in the exercise of the police power of the State, as well as for the purpose of raising revenue. Provided, however, every wholesaler and/or distributor, who desires to qualify as such with the Board, shall make application to the Board on blanks prescribed for this purpose, which shall be supplied upon request. Said application blanks will require such information relative to the nature of business engaged in by said wholesaler and distributor as the Board deems necessary to the qualifying of said wholesaler or distributor, which and when being received by the Board, it believes said wholesaler or distributor to be qualified, shall issue to said wholesaler or distributor a permit qualifying him as a wholesaler or distributor as defined in this Act.

Section 44. Sales by Wholesaler Dealers. Every wholesale dealer in this State shall before shipping, delivering or sending out any one or more articles taxed herein, to any dealer in this State

or for sale in this State, cause the same to have the requisite denominations and amount of stamps, crowns or lids to represent the tax, affixed as stated herein and if stamps, cause the same to be cancelled by writing or stamping across the face thereof the number of such wholesale dealer or distributor, said number to be applied by the Board, and every wholesale dealer or distributor shall at the time of shipping or delivering any one or more articles taxed herein, make a true duplicate invoice of the same showing the date, amount and value of each class of articles shipped or delivered, and retain a duplicate thereof, subject to the audit and inspection of the Board, its authorized agents and representatives for three years. Provided, however, that wholesale dealers and/or distributors in this State who ship, deliver or send any one or more articles taxed herein to the United States Government, for sale or distribution to any military, Naval or marine reservation owned by the United States Government within this State, shall be required to carry out the provisions set out in this Act for such sales or deliveries.

Section 45. Penalties For Evading Stamp Tax—Trial by Jury If Desired. Persons failing to properly affix the required stamps, crowns or lids to any alcoholic beverages enumerated and defined herein shall be required to pay as part of the tax imposed hereunder, a penalty of not less than Fifty (\$50.00) Dollars, nor more than Five Hundred (\$500.00) Dollars, to be assessed and collected by the Board as other taxes are collected. And each article or commodity not having proper stamps, crowns or lids affixed thereto as herein required shall be deemed a separate offense. Provided, that any alcoholic beverages enumerated and defined herein within the place of business of any person required by the provisions of this Act to stamp the same shall be prima facie evidence that they are intended for sale. Provided, further, that if within ten (10) days and not thereafter after notification in writing by the Board, or its duly authorized agent, to the person, firm or corporation, of its failure to properly affix the required stamps to any article or commodity, or within ten (10) days after written notification to him that he has sold or offered for sale, any article or commodity requiring stamps without having the stamps properly attached thereto as required by this Act, the party charged with such omission as herein provided, shall have the right within said time, and not thereafter, to demand a trial of the issue before a Court of Competent Jurisdiction in the manner now provided by law for the trial of civil actions or civil suits. The written notice herein required may be served by mail. When it is so served, the paper must be deposited in the Post Office addressed to the person on whom it is to be served at his last known place of residence and the postage paid, and the ten days herein provided shall begin to run from the date of the mailing. Said notice may also be per-

sonally served by any agent of the Board, or any other person by delivering the same to the person or corporation charged, or by leaving the same in the place of business of such person, or corporation. Provided, further, that the Board upon good cause shown may in its discretion remit a part of the penalties prescribed above herein, but in no case shall it accept less than the minimum penalty provided for each offense. Provided further, that any person, firm, corporation, club or association of persons, who have been found guilty of violating any of the provisions of this Act and who, after being punished by fine, penalty, assessment or imprisonment, shall be guilty of a second or subsequent violation of this Act, shall, upon being found guilty of such second offense, have their license as provided in this Act, revoked by the Board and on further license or permit shall be issued or granted to such person, firm, corporation, club or association of persons for a period of one year from the date their license or permit shall have been revoked. Provided, further, that any judgment rendered in favor of the State in any civil action or suit shall be a first preferred lien for taxes upon all property of the taxpayer and in the event of non-payment shall be filed in the office of the clerk of the circuit court in the county where taken and execution may be issued by the Board, as now provided by law.

Section 46. Penalties For Fraud In Use or Re-Use of Stamps, Crowns or Lids—

That whoever removes or otherwise prepares any Alabama Revenue Stamps, Crowns or Lids, or stamps, crowns or lids used to identify alcoholic beverages sold and/or distributed by State Liquor Stores, with intent to use, or cause the same to be used, after it has already been used, or buys, sells, offers for sale, or gives away any such washed or removed and restored stamps, crowns or lids to any person for using or who used the same or has in his possession any washed or restored, or removed or altered stamp, crown or lid for the purpose of indicating the payment of any tax hereunder re-uses any stamp, crown or lid which has heretofore been used for the purpose of paying any tax provided in this Act, or identifying any articles enumerated and defined in this Act, whoever except the Board sells any Alabama Revenue Stamps, Crowns or Lids not affixed to taxable alcoholic beverages as provided herein, is guilty of a felony and, upon conviction, shall be punished by imprisonment in the penitentiary for not less than a year and a day, nor more than five (5) years, and in addition may be fined not less than One Thousand (\$1,000.00) Dollars, nor more than Five Thousand (\$5,000.00) Dollars.

Section 47. Counterfeit Stamps, Crowns or Lids:—That whoever manufactures, buys, sells, offers for sale, or has in his or its possession any reproduction or counterfeit of the Alabama Reve-

nue Stamps, Crowns or Lids provided for in this Act, or stamps, crowns or lids used to identify articles sold and/or distributed by State Liquor Stores, is guilty of a felony and, upon conviction, shall be punished by imprisonment in the penitentiary for not less than a year and a day, nor more than ten years, and in addition, may be fined not less than Two Thousand (\$2,000.00) Dollars, nor more than Ten Thousand (\$10,000.00) Dollars.

Section 48. Powers of the Board:—The Board shall administer and enforce the taxes imposed by this Act; it shall have the power to enter upon the premises of any taxpayer and to examine, or cause to be examined by any agent or representative designated by it for that purpose, any books, papers, records or memoranda, etc., bearing upon the amount of taxes payable, and to secure other information directly or indirectly concerned in the enforcement of this Act.

Section 49. Any person, firm, corporation, club or association of persons, who purchases, and/or receives, and/or who brings into the State in any manner whatsoever, any of the articles of alcoholic beverages enumerated herein, which does not have affixed revenue stamps, crowns or lids, or stamps or identification as described in this Act, shall within three (3) days of the receipt of such articles of alcoholic beverages, report the receipt or purchase of said alcoholic beverages to the Board, giving the date of purchase or receipt, the name of person or firm from whom purchased or received, and a list describing the articles of alcoholic beverages so purchased or received. This report must be made by registered mail, or in person. Any person, firm, corporation, club or association of persons who fails and/or refuses to make the report as required in this subsection, shall be guilty of a misdemeanor and upon conviction shall be fined not less than Five (\$5.00) Dollars, nor more than One Hundred (\$100.00) Dollars, or imprisoned not to exceed thirty days for each offense.

Section 50. Execution Issued for Unpaid Taxes or Penalties:—If any taxes or penalties imposed by this Act remain due and unpaid for a period of ten (10) days, the Board shall issue a warrant of execution directed to any sheriff of the State of Alabama, commanding him to levy upon and sell the real and personal property of the taxpayer found within his county for the payment of the amount thereof, with penalties, if any, and the cost of executing the warrant, and to return such warrant to the Board and to pay it the money collected by virtue thereof. Upon receipt of such execution, the sheriff shall file with the clerk of the Circuit Court of his County a copy thereof and thereupon the clerk of the Circuit Court shall enter in his abstract of judgments the name of the taxpayer mentioned in the warrant and in proper columns the amount of tax, with penalties, and costs for which the warrant is issued

and the date and hour when such copy is filed, and shall index the warrant upon the index of judgments. The sheriff shall thereupon proceed upon the warrant in all respects with like effect and in the same manner prescribed by law in respect to executions issued against the property upon judgments of a court of record and shall be entitled to the same fees for services in executing the warrant to be collected in the same manner. He shall make return of such execution to the Board within thirty days of issuance thereof. The taxes and penalties imposed by this Act shall be deemed a debt owing to the State by the party against whom the same shall be charged and shall be a preferred lien upon all property of the party against whom the same shall be charged.

Section 51. (a) The provisions of this Act shall go into effect on the fifteenth day of February, 1937, and the Board may on said date, or as soon thereafter as possible, open, operate and maintain a State Liquor Store or Stores in any county in this State and shall issue permits for the sale of alcoholic beverages therein as provided in this Act, unless on or before said February 15th, 1937, there has been filed with the Judge of Probate of the Probate Court of the County where such municipality is located, a petition containing the names of at least twenty-five (25%) percent of the duly qualified electors of such County, asking that an election be held in such County to determine whether alcoholic beverages shall be sold therein.

(b) If no petition has been filed with the Probate Judge of any County in this State on or before the 15th day of February, 1937, containing at least Twenty-five (25%) per cent of the duly qualified electors of the County, asking that such election be held, then no election shall be held in such County prior to February 15th, 1938.

(c) If a petition be filed as provided herein, containing at least twenty-five (25%) percent of the qualified electors of any County in this State, an election shall be called by the Judge of Probate and held in such County as is provided by law for holding Special Elections, which election shall be held not less than thirty days nor more than forty-five days after the fifteenth day of February, 1937, and the Board shall not establish a State store or stores, or issue any permit or permits for the sale of alcoholic beverages in such County until after such election is held and the results thereof certified as provided by law. On the ballot to be used at such election such questions shall be in the following form:

"Do you favor the sale and distribution of Alcoholic Beverages within this County? Yes..... No....." If a majority of the persons voting on such question vote "Yes" then the alcoholic beverages shall be sold and distributed in said County and the Board may proceed to establish a State store or stores and issue alcoholic beverage permits in such County as though no petition

had been filed or election held in such County. If a majority of the persons voting on such question vote "No" then the Alabama Alcoholic Control Board, nor any one, shall thereafter have power to grant any licenses to sell or distribute any alcoholic beverages in such County under the provisions of this Act, unless and until the people therein shall at a later time have again voted on the question and decided in the affirmative. Provided, that in any County an election may be held, but not oftener after February 15th, 1938, than once every two years, on the date of any general election, or election where county officers are elected, to determine the will of the electors with respect to the sale and distribution of any and all alcoholic beverages within said County.

Section 52. Unlawful To Sell Alcoholic Beverages In Dry Areas:—It shall be unlawful to sell alcoholic beverages within any county where the electors have voted against such sales, except as authorized by Section 18 herein.

Section 53. The Board is hereby authorized to employ such clerical assistants, field agents, inspectors and chemists as may be necessary to carry out, enforce and administer the provisions of this Act; to make direct purchases of "Revenue Stamps, Crowns or Lids" and/or stamps, crowns or lids to be used in identifying articles enumerated and defined herein, sold and/or distributed by State Liquor Stores, as provided for in this Act; to prepare and have printed such blanks, forms, reports, receipts and any and all other things which may be necessary to provide for the administration of this Act; and to pay any and all such expenses so incurred out of the fund collected under the provisions of this Act. The sum of Two Hundred Fifty Thousand (\$250,000.00) Dollars, or so much thereof as may be necessary, is hereby appropriated out of the General Fund of the State Treasury, and to be used by the Board in defraying any expenses which may be incurred in the administration, and in preparing to administer this Act before sufficient funds shall have been collected from licenses, taxes and earnings as hereinbefore provided.

Section 54. Should the collection of any taxes under this Act be now or upon the passage of this Act prevented by the operation of the provisions of the Constitution of the United States, relating to interstate or foreign commerce, the Legislature hereby declares that should the Congress of the United States pass any legislation authorizing the taxation by the States of interstate or foreign commerce, sales shipment or receipts, or commodities transported therein, or receipts of sales therein, then the provisions of this Act shall apply to such sales, shipments or receipts as fully and completely as provided herein as to intrastate sales, shipments and receipts, to the extent that such Act and/or Acts of Congress authorizes and permits.

Section 55. All monies received by said Board from licenses, taxes and earnings shall be paid into the General Fund of the State, and all claims against said monies shall be handled by said Board as hereinabove provided.

Section 56. It shall be unlawful for any person, firm or corporation to receive in this State any shipment of any of the articles taxed herein without the stamps, crowns or lids, as required by this Act, and knowing the same to be without stamps, crowns or lids, for the purpose and intention of violating the provisions of this Act, and to avoid payment of the taxes, such person, firm or corporation shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Twenty-five (\$25.00) Dollars, or sentenced to jail for not less than thirty (30) days or more than sixty (60) days, either or both. Provided, that in the event this provision shall be declared unconstitutional by the Courts, it shall not affect the remaining sections.

Section 57. That it shall be unlawful to locate any state liquor store within one-half mile of the boundary of the campus or grounds of any State Teachers College or any institution of higher learning in this State, and it shall be unlawful to sell any intoxicating, spirituous, vinous, or malt liquors or beverages or wine or beer in any establishment located within one-half mile of the boundary of the campus or grounds of such institution or college.

Section 58. Regularly licensed physicians, dentists, and/or any person holding a license to practice medicine, or to engage in any profession wherein the treatment of the human body and/or of an animal body is necessarily involved, clinics, non-commercial laboratories, hospitals and/or sanatoria may acquire, own and dispense for medicinal, mechanical or scientific purposes only, and not for beverage purposes, any alcoholic beverage, and/or ethyl alcohol; also any minister, pastor or officer of a regularly organized, religious congregation or church, and any other person who, under the ritual of any recognized religious denomination, is authorized or required to use wine for sacramental or religious purposes in the ceremonies or ritual of such religious denominations.

Section 59. If any section, clause, provision or portion of this Act shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not affect any other sections, clause or provision or portion of this Act which is not in and of itself constitutional. It is hereby declared to be the intention of the Legislature that should any portion of this Act be declared unconstitutional, the remainder shall be in full force and effect and that the Legislature would have passed this Act without such invalid portion or provision.

Section 60. The exemptions from alcoholic beverage tax enumerated and defined herein, granted in the foregoing Act are hereby

declared to be exclusive and any laws or parts of laws, general, special or local, granting or attempting to grant any exemptions from alcoholic beverage tax, except as provided in this Act, are hereby specifically repealed.

Section 61. All laws and parts of laws in conflict herewith, either special or general, are hereby repealed, provided that nothing herein shall relieve any person, firm or corporation from any penalty or tax liability or forfeiture incurred under former laws, and nothing herein contained shall be construed as repealing any of the laws of Alabama relating to the manufacture or possession of illicit distilled liquors or apparatus for the manufacture of same.

Section 62. Wherever in this Act a jail sentence is provided as alternative punishment for a violation of its provisions, the Court trying such case may, in lieu of and instead of said jail sentence, sentence one convicted for violation of any provisions of this statute to hard labor for the County for the same period of time as provided for the jail sentence.

PROTEST

Mr. Bonner offered the following protest in writing:

In accordance with the provisions of Section 55 of the Constitution of Alabama, I, J. M. Bonner, do hereby dissent from and protest against the act of the presiding officer of the Senate of Alabama in overruling the point of order raised by me, said point of order being as follows:

The Senate of Alabama has no legal right on this date to place on third reading and passage House Bill No. 44 with substitute therefor as favorably reported by the Senate Committee on Temperance, said House Bill No. 44 never having been referred to the Senate Committee on Finance and Taxation as required by rule No. 24 of the Rules of the Senate of Alabama, the said bill carrying an appropriation of the sum of \$250,000.00; and the undersigned Senator hereby claims and exercises his constitutional privilege of having his above reason for his said dissent to said proceedings entered on the journal of the Senate.

This January 8, 1937.

(Signed)
J. M. BONNER,
Senator 22nd Senatorial
District of Alabama.

The foregoing protest was read and ordered spread upon the Journal.

MOTION TO RE-REFER

Mr. Bonner offered the following motion in writing:

I move that House Bill No. 44 with Senate Temperance Committee Amendments be re-referred to the Committee on Finance and Taxation as required by Rule No. 24 of the Senate Rules.

(Signed)

J. M. BONNER,
Senator, 22nd Senatorial
District.

Which motion was lost.

Yeas, 10; Nays, 23.

Yeas:

Messrs.:

Bonner
Kuykendall
Mixon

McDowell
Parrish
Riddle

St. John
Swift

Taylor
Tucker

—10

Nays:

Messrs.:

Browder
Carlton
Chesnut
Cook
Dorsey
Frazer

Goldsmith
Kelly
Locke
Mooneyham
Richardson
Rogers

Russell
Simpson
Starnes
Stephens
Stoddard
Thomas

Walden
Walton
Weaver
Wellborn
Woodall

—23

Mr. Wellborn offered the following amendment to the substitute for said bill, H. 44:

Amend Section 4 of Substitute to House Bill 44 so as to read as follows:

Section 4. There is hereby created a Board named the Alabama Alcoholic Beverage Control Board, consisting of three (3) persons, all of whom shall be appointed by the Governor, one of whom shall be designated by the Governor to be the Chairman of said Board, and said members shall receive their actual expenses while engaged in the performance of their duties, and a per diem of ten (\$10.00) Dollars per day, but not exceeding Twelve Hundred (\$1200.00) Dollars per annum. Each member of said Board at the time of his appointment and qualification shall be a resident of the State of Alabama and shall have resided in said State for a period of at least ten (10) years next preceding his appointment and qualification, and he shall also be a qualified voter therein. Of the members initially appointed, each shall hold office from the date of his appointment for the following respective terms, and until their respective successors shall qualify: One member for two (2) years; one for four (4) years, and one for six (6) years.

from the effective date of this Act. Each member may be initially appointed on or subsequent to the date this Act goes into effect.

The Governor, at the time of making and announcing the appointment of said three (3) members, as well as in the commission issued by him to each of them, shall designate which of said members shall serve for each of the said respective terms, and also which shall be the Chairman of the Board.

Upon the expiration of each of said terms, the term of office of each member thereafter appointed, shall be six (6) years from the time of his appointment and qualification, and until his successor shall qualify. In case any member shall be allowed to hold over after the expiration of his term, his successor shall be appointed for the balance of the unexpired term. Vacancies in said Board shall be filled by the Governor for the unexpired term. Each member shall be eligible for re-appointment in the discretion of the Governor. No person shall be eligible for appointment, or shall hold the office of member of the Board, or be appointed by the Board, or hold any office or position under the Board, who has any connection with any association, firm, person, or corporation engaged in or conducting any alcoholic liquor business of any kind, or who holds stocks or bonds therein, or who has pecuniary interest therein, nor shall any person receive any commission or profit whatsoever from, or have interest whatsoever in any purchase or sales of any alcoholic liquors.

Members of the Board may be suspended or removed by the Governor at his pleasure.

Each member of the Board shall, before entering upon the discharge of his duties, give bond payable to the State of Alabama, in form approved by the Attorney General, in such penalty as shall be fixed from time to time by the Governor, with some surety or guaranty company duly authorized to do business in Alabama and approved by the Governor as security, conditioned upon the faithful discharge of his duties; the premium of such bond shall be paid by the State, and the bonds shall be filed as bonds of other State officers.

The office of the Board shall be in the City of Montgomery, Alabama. The said Board shall meet at such times within the City of Montgomery, Alabama, as the Board shall determine, and the members thereof shall be entitled to their reasonable expenses for each meeting so attended, and the per diem hereinabove referred to. A majority of the members shall constitute a quorum for the transaction of any business for the performance of any duty, or for the exercise of any power of the Board.

Mr. Dorsey moved to table the amendment offered by Mr. Wellborn, which motion was lost and the Senate refused to table said amendment.

Yeas, 14; Nays, 18.

Yeas:

Messrs.:

Bonner	Locke	Russell	Swift
Browder	Mixon	Simpson	Tucker
Dorsey	McConnell	Stoddard	Walden
Frazer	Rogers		

—14

Nays:

Messrs.:

Carlton	Kuykendall	St. John	Walton
Chesnut	Mooneyham	Starnes	Weaver
Cook	Parrish	Taylor	Wellborn
Goldsmith	Richardson	Thomas	Woodall
Kelly	Riddle		

—18

The amendment offered by Mr. Wellborn was then adopted.

Yeas, 20; Nays, 13.

Yeas:

Messrs.:

Carlton	Kuykendall	St. John	Thomas
Chesnut	Mooneyham	Starnes	Walton
Cook	Parrish	Stephens	Weaver
Goldsmith	Richardson	Stoddard	Wellborn
Kelly	Riddle	Taylor	Woodall

—20

Nays:

Messrs.:

Bonner	Locke	Rogers	Swift
Browder	Mixon	Russell	Tucker
Dorsey	McConnell	Simpson	Walden
Frazer			

—13

Mr. Kelly offered the following amendment to the substitute for H. B. 44, to-wit:

Amend Caption to substitute to House Bill 44, so as to read as follows:

To Be Entitled an Act to promote temperance and suppress the evils of intemperance; to regulate and control the manufacture, purchase, bottling, sale, distribution, transportation, handling, advertising, possession, dispensing, drinking and use of alcohol, brandy, rum, whiskey, gin, wine, beer, lager beer, ale, porter, stout, and all liquid beverages and articles containing alcohol obtained by fermentation or otherwise; to create a Department of "Alcoholic Beverage Control," and an "Alabama Beverage Control Board", and to define and provide for the functions, duties, and powers thereof; to provide for the appointment, suspension, removal, compensation, cost and expense of such Board and its members, officers, agents and employees; to provide for the manufacture, sale and distribution of liquors as herein defined; to provide for the manufacture, sale and distribution of malt beverages and of vinous

beverages of an alcoholic content of twenty-four (24%) per cent or less by volume, as defined herein, to provide for the levying and collecting of an excise tax on the sale and distribution within this State of malt beverages, and of vinous beverages of an alcoholic content of twenty-four (24%) per cent or less by volume, as defined herein; to provide for the sale and purchase at State Liquor Stores of liquors as herein defined; to authorize said Board to promulgate rules and regulations governing the manufacture, sale and possession of all such beverages within this State; to make it a misdemeanor for any person to purchase any such beverages from any person or persons, firm or corporation, except those authorized by this Act and by the Board under the provisions of this Act; to appropriate money for the administration of the Act and to provide for the disposition of the net profits collected under this Act; to provide for the confiscation and disposition of articles declared to be contraband; to impose penalties for violation of this Act; to repeal all laws and parts of laws in conflict herewith; and to provide that this Act shall constitute and be designated and cited as, "The Alcoholic Beverage Control Act."

Which was lost.

Yeas, 13; Nays, 20.

Yeas:

Messrs.:

Carlton	Mooneyham	Starnes	Thomas
Cook	Riddle	Stephens	Weaver
Goldsmith	St. John	Stoddard	Wellborn
Kelly			

—13

Nays:

Messrs.:

Bonner	Kuykendall	Richardson	Taylor
Browder	Locke	Rogers	Tucker
Chesnut	Mixon	Russell	Walden
Dorsey	McConnell	Simpson	Walton
Frazer	Parrish	Swift	Woodall

—20

Mr. Kelly also offered the following amendment to the substitute for the bill, H. 44, to-wit:

Amend Sub-Section (c) of Section 2 of the Substitute to House Bill 44, by striking from lines 1, 2, 3 and 4 of said sub-section, the following words and figures where they appear together therein: "Of not less than four thousand five hundred, or more than twenty five thousand (25,000) population."

Which was lost.

Yeas, 5; Nays, 26.

Yeas:

Messrs.:

Goldsmith	Taylor	Weaver	Wellborn	— 5
Kelly				

Nays:

Messrs.:

Bonner	Kuykendall	Russell	Swift	
Browder	Locke	St. John	Thomas	
Carlton	Mixon	Simpson	Tucker	
Chesnut	Mooneyham	Starnes	Walden	
Cook	McConnell	Stephens	Walton	
Dorsey	Richardson	Stoddard	Woodall	
Frazier	Rogers			—26

Mr. Kelly also offered the following amendment to said substitute, to-wit:

Amend Sub-section (f) of Section 2 of Substitute to House Bill 44 by striking from line 3 of said sub-section the following words and figures; "One hundred fifty (150)," and inserting in lieu thereof the following words and figures: "fifty (50)."

Which was lost.

RECESS

At 1:15 P. M., on motion of Mr. Thomas, the Senate took a recess until 2:45 this afternoon.

AFTERNOON SESSION—TWELFTH DAY

Friday January 8th, 1937.

The Senate re-assembled at 2:45 P. M., Lieutenant-Governor Knight presiding.

ROLL CALL

Present:

Messrs.:

Bonner	Kuykendall	Rogers	Taylor
Browder	Locke	Russell	Thomas
Carlton	Mixon	St. John	Tucker
Chesnut	Mooneyham	Simpson	Walden
Cook	McConnell	Starnes	Walton
Dorsey	Parrish	Stephens	Weaver
Frazier	Richardson	Stoddard	Wellborn
Goldsmith	Riddle	Swift	Woodall
Kelly			

REPORT FROM RULES COMMITTEE

Mr. Riddle, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report with substitute, to-wit:

H. J. R. 30. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, the Senate concurring, that when the two Houses adjourn today, they adjourn to meet on Tuesday, January 12th, 1937, at 11 o'clock A. M.

On motion of Mr. Riddle said report was concurred in and the following substitute for said resolution was adopted, to-wit:

BE IT RESOLVED by the Senate, the House concurring, that when they adjourn today the two houses meet at eleven o'clock A. M. on Tuesday, Jan. 12th, 1937 and that the Senate reserve the right, however, to meet on Saturday January 9th, 1937 if it shall so elect.

And said resolution, as thus amended, was concurred in and adopted by the Senate.

UNFINISHED BUSINESS

The Senate proceeded to the consideration of the unfinished business of the morning session, which was the bill, H. B. 44, and pending substitute and amendments.

H. 44. To promote temperance and suppress the evils of intemperance; to regulate and control the manufacture, purchase, bottling, sale, distribution, transportation, handling, advertising, possession, dispensing, drinking and use of alcohol, brandy, rum, whiskey, gin, wine, beer, lager beer, ale, porter, stout, and all liquid beverages and articles containing alcohol obtained by fermentation or otherwise; to create a Department of "Alcoholic Beverage Control", and an "Alabama Beverage Control Board", and to define and provide for the functions, duties, and powers thereof; to provide for the appointment, suspension, removal, compensation, cost and expense of such Board and its members, officers, agents and employees; to provide for the manufacture, sale and distribution of such alcoholic beverages of an alcoholic content of over twenty-four (24%) percent by volume; to provide for the levying and collecting of an excise tax on the sale and distribution within this State of malt and vinous beverages of an alcoholic content of twenty-four (24%) percent or less by volume; to provide for the sale and purchase at State Liquor Stores of alcoholic beverages

of an alcoholic content in excess of twenty-four (24%) percent by volume; to authorize said Board to promulgate rules and regulations governing the manufacture, sale and possession of all such beverages within this State; to make it a misdemeanor for any person to purchase any such beverages from any person or persons, firm or corporation, except those authorized by this Act and by the Board under the provisions of this Act; to appropriate money for the administration of the Act and to provide for the disposition of the net profits collected under this Act; to provide for the confiscation and disposition of articles declared to be contraband; to impose penalties for violation of this Act; to repeal all laws and parts of laws in conflict hereto, and to provide that this Act shall constitute and be designated and cited as "The Alcoholic Beverage Control Act".

Mr. Dorsey also offered the following amendment to the substitute for the bill, H. 44, to-wit:

Amend substitute for House bill 44 by: striking therefrom Section 11 thereof.

Which was lost.

Yeas, 14; Nays, 19.

Yeas:

Messrs.:

Bonner	Kuykendall
Chesnut	Mixon
Cook	McConnell
Dorsey	Parrish

St. John
Starnes
Stephens

Taylor
Thomas
Tucker

—14

Nays:

Messrs.:

Browder	Locke
Carlton	Mooneyham
Frazer	Richardson
Goldsmith	Riddle
Kelly	Rogers

Russell
Simpson
Stoddard
Swift
Walden

Walton
Weaver
Wellborn
Woodall

—19

Mr. Kelly offered the following amendment to the substitute, to-wit:

Amend the last paragraph of Section 5 of Substitute to House Bill 44 so as to read as follows: "No person shall be eligible to appointment to the Alabama Alcoholic Beverage Control Board or to any office of profit or employment under the provisions of this Act who has been convicted of violation of the prohibition laws of Alabama, or of the United States."

Mr. Rogers moved to table the amendment offered by Mr. Kelly, which motion prevailed, and the amendment offered by Mr. Kelly to the substitute was tabled.

Yeas, 20; Nays, 13.

Yeas:

Messrs.:

Bonner	Goldsmith	Rogers	Swift
Browder	Kuykendall	Russell	Taylor
Carlton	Locke	Starnes	Thomas
Dorsey	Mixon	Stephens	Tucker
Frazer	McConnell	Stoddard	Walden

—20

Nays:

Messrs.:

Chesnut	Parrish	St. John	Weaver
Cook	Richardson	Simpson	Wellborn
Kelly	Riddle	Walton	Woodall
Mooneyham			

—13

Mr. Kelly also offered the following amendment to the substitute, to-wit:

Amend Sub-Section (c) of Section 6 of Substitute to House Bill 44 so as to read as follows:

(c) To determine the localities within which any State store shall be established and operated and the location of such store. No store shall be established in, and neither the Board nor any other person may legally buy, manufacture or sell alcoholic beverages in any county which has voted in the negative in any election called as herein provided for determining the said issue, unless and until said county has at a subsequent similar election voted in the affirmative. A county voting in the affirmative in said election is hereinafter for convenience designated a wet county. The Board shall have the power to establish and maintain State stores for the sale of liquors as herein defined.

Mr. Swift moved to table the amendment offered by Mr. Kelly, which motion prevailed, and the amendment offered by Mr. Kelly to the substitute, was tabled.

Yeas, 22; Nays, 11.

Yeas:

Messrs.:

Bonner	Kuykendall	Russell	Taylor
Browder	Locke	Simpson	Thomas
Carlton	Mixon	Stephens	Tucker
Chesnut	McConnell	Stoddard	Walden
Dorsey	Parrish	Swift	Wellborn
Frazer	Rogers		

—22

Nays:

Messrs.:

Cook	Mooneyham	St. John	Weaver
Goldsmith	Richardson	Starnes	Woodall
Kelly	Riddle	Walton	

—11

Mr. Kelly also offered the following amendment to said substitute for the bill, to-wit:

Amend Sub-Section (a) of Section 8 of Substitute to House Bill 44 so as to read as follows:

"(a) Management of Alabama Liquor Stores—Every Alabama Liquor Store shall be conducted by a person appointed by the Board, who shall be known as the "Manager" and who shall be selected by the Board, and under the direction of the Board be responsible for carrying out the provisions of this Act, and the regulations adopted by the Board under this Act, as far as they relate to the conduct of such stores. Such manager may employ, only after approval by the Board, such additional employee or employees as may be necessary for the effective operation of such store. The manager and any other employee or employees may be dismissed or discharged by the Board at any time. No manager or employee of a liquor store shall be under the age of twenty-one (21) years."

Mr. Swift moved to table the amendment offered by Mr. Kelly to the substitute for the bill, H. 44, which motion was lost and the Senate refused to table the amendment offered by Mr. Kelly.

Yeas, 16; Nays, 16.

Yeas:

Messrs.:

Bonner
Browder
Carlton
Dorsey

Frazer
Locke
Mixon
McConnell

Parrish
Rogers
Russell
Simpson

Swift
Taylor
Tucker
Walden

—16

Nays:

Messrs.:

Chesnut
Cook
Goldsmith
Kelly

Kuykendall
Mooneyham
Richardson
Riddle

St. John
Starnes
Stephens
Thomas

Walton
Weaver
Wellborn
Woodall

—16

The amendment offered by Mr. Kelly to the substitute for the bill, H. 44, was then adopted.

Yeas, 17; Nays, 16.

Yeas:

Messrs.:

Carlton
Chesnut
Cook
Goldsmith
Kelly

Kuykendall
Mooneyham
Richardson
Riddle

St. John
Starnes
Stephens
Thomas

Walton
Weaver
Wellborn
Woodall

—17

Nays:

Messrs.:

Bonner

Browder

Dorsey

Frazer

Locke

Mixon

McConnell

Parrish

Rogers

Russell

Simpson

Stoddard

Swift

Taylor

Tucker

Walden

—16

Mr. Kelly offered the following amendment to the substitute for the bill, to-wit:

Amend Section 16 of Substitute to House Bill 44 so as to read as follows:

Section 16. Sales of Liquor by Licensees:—Every hotel, restaurant or club licensee may sell liquors as herein defined in original, unbroken packages or containers as purchased from Alabama Liquor Stores for consumption only in that part of the club, hotel or restaurant habitually used for serving of food to guests or patrons, and, in the case of hotels and clubs, to guests or members in their private rooms in the hotel or club. In the case of a restaurant located in a hotel, which is not operated by the owner of the hotel and which is licensed to sell liquor under this Act, liquor may be sold for consumption in that part of the restaurant habitually used for the serving of meals to patrons, and also to guests in private guest rooms in the hotel.

A hotel, club or restaurant licensee shall not maintain any counter or bar at or over which liquors, vinous or malt beverages are sold to guests, patrons, or members.

No hotel, club or restaurant licensee shall employ any person under the age of twenty-one (21) years to sell or dispense alcoholic beverages of any kind.

The Board may, with the approval of the Governor, temporarily close all licensed places within any municipality during any period of emergency proclaimed to be such by the Governor.

Which was adopted.

Yeas, 29; Nays, 4.

Yeas:

Messrs.:

Bonner

Browder

Carlton

Chesnut

Cook

Goldsmith

Kelly

Kuykendall

Locke

Mixon

Mooneyham

Parrish

McConnell

Riddle

Russell

St. John

Simpson

Starnes

Stephens

Stoddard

Swift

Taylor

Thomas

Tucker

Walden

Walton

Weaver

Wellborn

Woodall

—29

Nays:

Messrs.:

Dorsey

Frazer

Richardson

Rogers

— 4

Mr. Kelly also offered the following amendment to the substitute, to-wit:

Amend Sub-Section (a) of Section 25 of Substitute to House Bill 44 by adding at the end of said sub-section the following "Provided, however, that vinous, malt or brewed beverages, manufactured or brewed in Alabama, may be sold direct to the retailer by the manufacturer or brewer."

Mr. Swift moved to table the amendment offered by Mr. Kelly, which motion prevailed, and the amendment offered by Mr. Kelly was tabled.

Yeas, 17; Nays, 15.

Yeas:

Messrs.:

Bonner	Mixon	Russell	Tucker
Chesnut	McConnell	Stephens	Walden
Dorsey	Parrish	Swift	Walton
Kuykendall	Rogers	Taylor	Woodall
Locke			

—17

Nays:

Messrs.:

Browder	Kelly	St. John	Thomas
Carlton	Mooneyham	Simpson	Weaver
Cook	Richardson	Starnes	Wellborn
Goldsmith	Riddle	Stoddard	

—15

Mr. Mooneyham offered the following amendment to the substitute for the bill, H. 44, to-wit:

Amend Section 57 of substitute to House bill No. 44 so that said section shall read as follows: Section 57. That it shall be unlawful to locate any state liquor store within one half mile of the boundary of the campus or grounds of any State Teachers College or any institution of higher learning or of any eleemosynary institution in this State, and it shall be unlawful to sell any intoxicating, spirituous, vinous, or malt liquors or beverages or wine or beer in any establishment located within one half mile of the boundary of the campus or grounds of such institution or college; provided, however, the provisions of this section shall not apply to or be operative within the corporate limits or the police jurisdiction of cities having a population of more than 50,000, according to the last Federal census, or which shall have such population according to any Federal census which may be taken hereafter.

Mr. Bonner moved to table the amendment offered by Mr. Mooneyham to the substitute for the bill, which motion was lost, and the Senate refused to table said amendment.

Yeas, 11; Nays, 21.

Yeas:

Messrs.:

Bonner
Browder
Chesnut

Dorsey
Kuykendall
Mixon

Parrish
St. John
Stephens

Taylor
Tucker

—11

Nays:

Messrs.:

Carlton
Cook
Frazer
Goldsmith
Kelly
Locke

Mooneyham
McConnell
Richardson
Riddle
Rogers

Russell
Simpson
Stoddard
Swift
Thomas

Walden
Walton
Weaver
Wellborn
Woodall

—21

And said amendment offered by Mr. Mooneyham to the substitute for the bill was then adopted.

Mr. Richardson offered the following amendment to the substitute for the bill, H. 44, to-wit:

To Amend Section 61 of Substitute for House Bill 44 so as to read as follows:

Section 61. All laws and parts of laws in conflict herewith, either special or general, are hereby repealed, provided that nothing herein shall relieve any person, firm or corporation from any penalty or tax liability or forfeiture incurred under former laws, and nothing herein contained shall be construed as repealing any of the laws of Alabama relating to the manufacture or possession of illicit distilled liquor or apparatus for the manufacture of same, nor any law now fixing fees to officials for the enforcement of any and all laws, including this Act, but the same shall remain in full force and effect.

Which was adopted.

Mr. Simpson offered the following amendment to the substitute for the bill, H. B. 44, to-wit:

Amend Substitute for House Bill 44 by:

Add Section 63 thereto at the end thereof to read as follows:

Section 63. No alcoholic liquors or beverages of any kind shall be sold in this state, which are manufactured in any state which are manufactured in any state which by its laws or in the opinion of the Board, by its practices, discriminates, with respect to the sale within such state, against alcoholic liquors or beverages manufactured, distributed or sold at wholesale in Alabama.

Which was adopted.

Mr. Simpson offered the following amendment to the substitute for the bill, H. B. 44, to-wit:

AMEND SUBSTITUTE FOR HOUSE BILL 44 by: In Subsection (l) of section 22 (page 28 of printed bill) change the period at the end of the said Subsection to a comma and add the following words, viz.:

"except in the case of a manufacturer of wine as defined in Subsection (j) of Section 2 of this Act where 75% or more of the fruit or produce used in the manufacture of such wine is grown in Alabama the license fee shall be Twenty-five Dollars and shall be likewise paid to the Board."

Which was adopted.

Mr. Simpson also offered the following amendment to the substitute for the bill, H. B. 44, to-wit:

AMEND SUBSTITUTE FOR HOUSE BILL 44 by: Strike from Subsection (i) of Section 6, (page 11, line 23 of printed bill) the words and figures "fifteen hundred dollars (\$1500.00)" where the same occur therein, and insert in lieu thereof the words and figures following viz.:

"Fifteen dollars (\$15.00)".

Which was adopted.

Mr. Simpson offered the following amendment to the substitute for the bill, H. B. 44, to-wit:

Amend Substitute for House Bill 44 by:

Insert in Subsection (c) of Section 9 immediately following the words "Treasury of the State" where the same occur together therein (page 15 line 17 of printed bill) the following words, viz.:

(of which one half is hereby set aside for and now appropriated to the Department of Public Welfare to be used exclusively for defraying the states contribution to old age pensions under Act Number 448 of the Legislature of 1935—General Acts 1935 page 967 as now or hereafter amended). Provided any excess of this appropriation over the necessities of the old age pension fund shall revert to the General Fund.

Mr. Mooneyham moved to table the amendment offered by Mr. Simpson, which motion prevailed, and the amendment offered by Mr. Simpson was tabled.

Yeas, 19; Nays, 14.

Yeas:

Messrs.:

Bonner
Browder
Chesnut
Cook
Goldsmith

Kelly
Kuykendall
Mixon
Mooneyham
Parrish

Richardson
Riddle
St. John
Starnes
Stephens

Taylor
Thomas
Walton
Woodall

Nays:

Messrs.:

Carlton
Dorsey
Frazer
Locke

McConnell
Rogers
Russell
Simpson

Stoddard
Swift
Tucker

Walden
Weaver
Wellborn

—14

Mr. Swift offered the following amendment to the substitute for the bill, H. B. 44, to-wit:

Amend Substitute for House Bill No. 44 by inserting after the word "floor" in line seventeen on page five of the printed copy of the bill the following:

"In one room."

Which was adopted.

Mr. Parrish offered the following amendment to the substitute for the bill, H. B. No. 44, to-wit:

Amend Section 3 of Sub-Section C of Section 21 of Senate Temperance Committee Substitute for House Bill No. 44 by adding at the end thereof the following words:

"Any person, firm or corporation who has in the past been convicted of any violation of the prohibition laws of Alabama or of the United States, or who shall have taken out any Federal permit for the sale of liquor within the past five years, shall be deemed a person of disreputable character by the Board and no permit or license shall be issued to any such person, firm or corporation."

Mr. Rogers moved to table the amendment offered by Mr. Parrish, which motion was lost and the Senate refused to table said amendment.

Yeas, 13; Nays, 19.

Yeas:

Messrs.:

Carlton
Dorsey
Frazer
Kelly

Mooneyham
Richardson
Rogers

Russell
Simpson
Tucker

Weaver
Wellborn
Woodall

—13

Nays:

Messrs.:

Bonner
Browder
Chesnut
Cook
Goldsmith

Kuykendall
Locke
Mixon
McConnell
Parrish

Riddle
St. John
Stephens
Stoddard
Swift

Taylor
Thomas
Walden
Walton

—19

The amendment offered by Mr. Parrish to the substitute for the bill, H. 44, was then lost.

Yeas, 12; Nays, 21.

Yeas:

Messrs.:

Bonner
Browder
Chesnut

Cook
Kuykendall
Locke

Mixon
McConnell
Parrish

St. John
Stephens
Taylor

—12

Nays:

Messrs.:

Carlton
Dorsey
Frazer
Goldsmith
Kelly
Mooneyham

Richardson
Riddle
Rogers
Russell
Simpson

Starnes
Stoddard
Swift
Thomas
Tucker

Walden
Walton
Weaver
Wellborn
Woodall

—21

Mr. Walton offered the following amendment to the substitute for the bill, H. 44, to-wit:

Amend Senate Temperance Committee substitute for House bill No. 44 by adding at the end of Section 51 of said substitute the following words:

"However each county in Alabama that voted dry in the State-wide Liquor Referendum in 1933 shall be considered dry territory for the purposes of this Act unless and until said county shall, in a subsequent election, vote wet."

Mr. Kelly, moved to table the amendment offered by Mr. Walton, which motion was lost and the Senate refused to table said amendment.

Yeas, 11; Nays, 22.

Yeas:

Messrs.:

Carlton
Dorsey
Frazer

Goldsmith
Kelly
Mooneyham

Richardson
Rogers
Simpson

Stoddard
Weaver

—11

Nays:

Messrs.:

Bonner
Browder
Chesnut
Cook
Kuykendall
Locke

Mixon
McConnell
Parrish
Riddle
Russell
St. John

Starnes
Stephens
Swift
Taylor
Thomas

Tucker
Walden
Walton
Wellborn
Woodall

—22

Said amendment offered by Mr. Walton to the substitute for the bill, H. 44, was then adopted.

Yeas, 22; Nays, 11.

Yeas:

Messrs.:

Bonner	Mixon	Starnes	Tucker
Browder	McConnell	Stephens	Walden
Chesnut	Parrish	Swift	Walton
Cook	Riddle	Taylor	Wellborn
Kuydendall	Russell	Thomas	Woodall
Locke	St. John		

—22

Nays:

Messrs.:

Carlton	Goldsmith	Richardson	Stoddard
Dorsey	Kelly	Rogers	Weaver
Frazer	Mooneyham	Simpson	

—11

Mr. Mixon offered the following amendment to said substitute for the bill, H. 44, to-wit:

Amend Senate Temperance Committee substitute for House bill No. 44 by striking therefrom the word "manufacture" and the word "manufacturer" wherever they appear in the caption or body of said bill.

Which was lost.

Yeas, 12; Nays, 19.

Yeas:

Messrs.:

Bonner	Kuydendall	McConnell	Stephens
Chesnut	Locke	Parrish	Taylor
Cook	Mixon	St. John	Thomas

—12

Nays:

Messrs.:

Browder	Kelly	Russell	Walden
Carlton	Mooneyham	Simpson	Weaver
Dorsey	Richardson	Stoddard	Wellborn
Frazer	Riddle	Swift	Woodall
Goldsmith	Rogers	Tucker	

—19

Mr. Dorsey offered the following amendment to the substitute for the bill, H. 44, to-wit:

Amend substitute for House bill No. 44 as follows: by striking from Sub-section (r) of Section 2 thereof, the following words: "And vinous beverages of not exceeding twenty-four (24%) Percent alcoholic content by volume." By striking from sub-section (h) of Section No. 2 the following words: "And wines not to exceed twenty-four (24%) Percent alcoholic content by volume."

Which was adopted.

Yeas, 25; Nays, 8.

Yeas:

Messrs.:

Bonner	Mixon	Rogers	Swift
Chesnut	Mooneyham	Russell	Taylor
Cook	McConnell	St. John	Thomas
Dorsey	Parrish	Starnes	Tucker
Frazer	Richardson	Stephens	Walden
Kuykendall	Riddle	Stoddard	Wellborn
Locke			

—25

Nays:

Messrs.:

Browder	Goldsmith	Simpson	Weaver
Carlton	Kelly	Walton	Woodall

— 8

Mr. Chesnut offered the following amendment to the substitute for the bill, H. B. 44, to-wit:

Amend the Senate Temperance Committee substitute for House bill No. 44 as follows:

By striking the last sentence of sub-section G of Section 6 of said substitute for said bill and substitute therefor the following words: "Article 5 of Chapter 167 of Code of Alabama of 1923 is hereby expressly not repealed." and further amend said substitute bill by striking therefrom the last sentence of Section 10 thereof.

Which was adopted.

Yeas, 16; Nays, 15.

Yeas:

Messrs.:

Bonner	Kuykendall	Richardson	Swift
Chesnut	Mixon	St. John	Taylor
Cook	McConnell	Starnes	Thomas
Kelly	Parrish	Stephens	Woodall

—16

Nays:

Messrs.:

Browder	Goldsmith	Rogers	Walden
Carlton	Locke	Russell	Weaver
Dorsey	Mooneyham	Stoddard	Wellborn
Frazer	Riddle	Tucker	

—15

Mr. Swift offered the following amendment to the substitute for the bill, H. B. 44, to-wit:

Amend the substitute for H. B. No. 44 by striking out the following from sub section (c) of Section 23, (lines 3 to 5 on page 30 of the printed copy of the substitute):—

“; provided, however, there shall be no draft or keg beer or malt beverages sold or dispensed within the State. All such beer and malt beverages must be sold or dispensed from bottles, cans, etc.”

And insert in lieu thereof the following:—

"All vinous and/or malt or brewed beverages must be sold or dispensed from bottles, cans, etc. There shall be no draft or keg beer or malt beverages sold or dispensed within this State; provided, however, in rural communities with a predominant foreign population, after the payment of the tax imposed by this Act, draft or keg beer may be sold or dispensed by special permit from the Board, when in the judgment of the Board, the use and consumption of draft or keg beer is in accordance with the habit and customs of the people of any such rural community. Such permit shall be promptly revoked by the Board, if, in its judgment, the same tends to create intemperance, or is prejudicial to the welfare, health, peace, temperance and safety of the people of the community or of the State."

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate substitute for the following:

By Mr. Lusk:

H. J. R. 30. Relative to the two Houses adjourning today to meet again on Tuesday, January 12th, at 11 o'clock A. M. with the Senate reserving the right to meet on Saturday, January 9th, if they so elect.

E. F. Taylor,
Clerk.

RECESS

At 7 o'clock P. M., on motion of Mr. Mooneyham, the Senate took a recess until eight o'clock tonight.

NIGHT SESSION—TWELFTH DAY

Friday, January 8th, 1937.

The Senate re-assembled at 8 P. M., Lieutenant-Governor Knight presiding.

ROLL CALL

Present:

Messrs.:

Bonner	Kuykendall	Rogers	Taylor
Browder	Locke	Russell	Thomas
Carlton	Mixon	St. John	Tucker
Chesnut	Mooneyham	Simpson	Walden
Cook	McConnell	Starnes	Walton
Dorsey	Parrish	Stephens	Weaver
Frazer	Richardson	Stoddard	Wellborn
Goldsmith	Riddle	Swift	Woodall
Kelly			

—33

UNFINISHED BUSINESS

The Senate proceeded to consider the continuing Order of unfinished business of the afternoon session, which was the bill, H. 44, and pending substitute and amendments:

H. 44. To promote temperance and suppress the evils of intemperance; to regulate and control the manufacture, purchase, bottling, sale, distribution, transportation, handling, advertising, possession, dispensing, drinking and use of alcohol, brandy, rum, whiskey, gin, wine, beer, lager beer, ale, porter, stout, and all liquid beverages and articles containing alcohol obtained by fermentation or otherwise; to create a Department of "Alcoholic Beverage Control", and an "Alabama Beverage Control Board", and to define and provide for the functions, duties, and powers thereof; to provide for the appointment, suspension, removal, compensation, cost and expense of such Board and its members, officers, agents and employees; to provide for the manufacture, sale and distribution of such alcoholic beverages of an alcoholic content of over twenty-four (24%) percent by volume; to provide for the levying and collecting of an excise tax on the sale and distribution within this State of malt and vinous beverages of an alcoholic content of twenty-four (24%) percent or less by volume; to provide for the sale and purchase at State Liquor Stores of alcoholic beverages of an alcoholic content in excess of twenty-four (24%) percent by volume; to authorize said Board to promulgate rules and regulations

governing the manufacture, sale and possession of all such beverages within this State; to make it a misdemeanor for any person to purchase any such beverages from any person or persons, firm or corporation, except those authorized by this Act and by the Board under the provisions of this Act; to appropriate money for the administration of the Act and to provide for the disposition of the net profits collected under this Act; to provide for the confiscation and disposition of articles declared to be contraband; to impose penalties for violation of this Act; to repeal all laws and parts of laws in conflict hereto, and to provide that this Act shall constitute and be designated and cited as "The Alcohol Beverage Control Act".

RECONSIDERATION OF VOTE

Mr. Kelly moved that the Senate re-consider the vote by which it passed the following amendment by Mr. Chesnut at the afternoon session:

Amend the Senate Temperance Committee substitute for House Bill No. 44 as follows:

By striking the last sentence of Subsection G of Section 6 of said substitute for said bill and substitute therefor the following words: "Article 5 of Chapter 167 of Code of Alabama of 1923 is hereby expressly not repealed." And further amend said substitute bill by striking therefrom the last sentence of Section 10 thereof.

Which motion prevailed and the Senate did re-consider said vote.

Yeas, 20; Nays, 10.

Yeas:

Messrs.:

Browder	Goldsmith	Riddle	Tucker
Carlton	Kelly	Rogers	Walden
Cook	Locke	Russell	Weaver
Dorsey	Mooneyham	St. John	Wellborn
Frazer	McConnell	Stoddard	Woodall

—20

Nays:

Messrs.:

Bonner	Mixon	Stephens	Taylor
Chesnut	Parrish	Swift	Thomas
Kuykendall	Starnes		

—10

PAIR ANNOUNCED

Mr. Richardson announced that he and Mr. McDowell were paired on this vote; that, Mr. McDowell, if present, would vote "aye", and he, Mr. Richardson, would vote "no."

And said amendment was then lost.

Yeas, 11; Nays, 19.

Yeas:

Messrs.:

Bonner	Mixon	Starnes	Taylor	
Chesnut	Parrish	Stephens	Thomas	
Kuykendall	St. John	Swift		—11

Nays:

Messrs.:

Browder	Goldsmith	Riddle	Walden	
Carlton	Kelly	Rogers	Weaver	
Cook	Locke	Russell	Wellborn	
Dorsey	Mooneyham	Stoddard	Woodall	
Frazer	McConnell	Tucker		—19

PAIR ANNOUNCED

Mr. Richardson announced that he and Mr. McDowell were paired on this vote; that, Mr. McDowell, if present, would vote "No", and he, Mr. Richardson, would vote "aye."

Mr. Bonner offered the following amendment to the substitute for the bill, H. 44, to-wit:

Amend Senate Temperance Committee substitute for House bill No. 44 by adding at the end of Section 11 thereof the following words: "Attached to said license and made a part thereof shall be a list of all members of the House of Representatives and the Senate of Alabama, showing plainly which members of the Legislature voted in favor of the passage of this bill, and which members of the Legislature voted against the passage of this Bill."

Which was lost.

Yeas, 11; Nays, 22.

Nays:

Messrs.:

Bonner	Kuykendall	Parrish	Walden	
Chesnut	Mixon	St. John	Walton	
Frazer	McConnell	Taylor		—11

Nays:

Messrs.:

Browder	Locke	Simpson	Thomas	
Carlton	Mooneyham	Starnes	Tucker	
Cook	Richardson	Stephens	Weaver	
Dorsey	Riddle	Stoddard	Wellborn	
Goldsmith	Russell	Swift	Woodall	
Kelly	Rogers			—22

Mr. Riddle offered the following amendment to the substitute for the bill, to-wit:

Amend Substitute for House Bill No. 44 by striking therefrom Section 51, and adding immediately after Section 50, and immediately before Section 52, Section 51 as follows:

Section 51. Upon the passage of this bill the Governor shall within one week from the date of such passage call an election to determine the sentiment of the voters of the State as to whether or not this Act shall be put into operation. Such election must be held thirty (30) days from the date of such call and shall be held and officers appointed in the manner provided by law for elections on constitutional amendments. All of the expense of said election shall be paid as now provided by law for holding elections on constitutional amendments and the returns from said election shall be tabulated, and certified as is provided by law, in elections for constitutional amendments.

At such election there shall be printed on the ballot used the following form: "Do you favor the sale, and distribution, of alcoholic beverages in this State?" YES——. NO——. Only qualified voters may vote in said election. When the returns from said election are tabulated the Governor shall issue a Proclamation declaring the result of said election. If a majority of the electors voting in said election vote "No", this Act shall not go into effect and all laws prohibiting the possession, sale, manufacture and distribution of prohibitive liquors in the State of Alabama shall remain in full force and effect; and if a majority of those voting in said election vote "Yes" this Act shall be immediately put into operation but no liquor or other alcoholic beverage shall be sold and no license shall be issued hereunder until March 1st 1937.

If the majority of the electors voting in said election vote "Yes", the Board may on March 1st 1937 or as soon thereafter as possible open, operate and maintain a State Liquor Store or Stores in any county in this State and shall issue permits for the sale of alcoholic beverages therein as provided in this Act, unless on or before March 1st, 1937, there has been filed with the Judge of the Probate Court of the County where such municipality is located, a petition containing the names of at least twenty-five (25%) percent of the duly qualified electors of such County, asking that an election be held in such County to determine whether alcoholic beverages shall be sold therein.

(b) If no petition has been filed with the Probate Judge of any County in this State on or before the 1st day of March, 1937, containing at least twenty-five (25%) percent of the duly qualified electors of the County, asking that such election be held, then no election shall be held in such County prior to March 1st, 1938.

(c) If a petition be filed as provided herein, containing at least twenty-five (25%) percent of the qualified electors of any County in this State, an election shall be called by the Judge of Probate

and held in such County as is provided by law for holding Special Elections, which election shall be held not less than thirty days nor more than forty-five days after the 1st day of March, 1937, and the Board shall not establish a State store or stores, or issue any permit or permits for the sale of alcoholic beverages in such County until after such election is held and the results thereof certified as provided by law. On the ballot to be used at such election such questions shall be in the following form: "Do you favor the sale and distribution of Alcoholic Beverages within this County? Yes——— No———." If a majority of the persons voting on such question vote "Yes", then alcoholic beverages shall be sold and distributed in said County and the Board may proceed to establish a State store or stores and issue alcoholic beverage permits in such County. If a majority of the persons voting on such question vote "No" then the Alabama Alcoholic Control Board, nor any one, shall thereafter have power to grant any licenses to sell or distribute any alcoholic beverages in such County under the provisions of this Act, unless and until the people therein shall at a later time have again voted on the question and decided in the affirmative. Provided, that in any County an election may be held, but not oftener after March 1st, 1938, than once every two years, on the date of any general election, or election where county officers are elected, to determine the will of the electors with respect to the sale and distribution of any and all alcoholic beverages within said County.

Mr. Kelly moved to table the amendment offered by Mr. Riddle, which motion prevailed and the amendment offered by Mr. Riddle to the substitute for the bill was tabled.

Yeas, 17; Nays, 15.

Yeas:

Messrs.:

Bonner

Carlton

Cook

Dorsey

Frazer

Goldsmith

Kelly

Mooneyham

Richardson

Rogers

Simpson

Stoddard

Swift

Thomas

Tucker

Weaver

Wellborn

—17

Nays:

Messrs.:

Browder

Chesnut

Kuykendall

Locke

Mixon

McConnell

Parrish

Riddle

Russell

St. John

Stephens

Taylor

Walden

Walton

Woodall

—15

PAIR ANNOUNCED

Mr. Starnes announced that he and Mr. McDowell were paired on this vote; that Mr. McDowell, if present, would vote "aye," and, he, Mr. Starnes would vote "No."

Mr. Kelly moved that the Senate re-consider the vote by which it just tabled the amendment offered by Mr. Riddle, which motion was lost and the Senate refused to reconsider said vote.

And the substitute for H. B. 44, as amended, was then adopted.
Yeas, 19; Nays, 13.

Yeas:

Messrs.:

Browder	Goldsmith	Rogers	Tucker
Carlton	Kelly	Russell	Thomas
Chesnut	Mooneyham	Simpson	Weaver
Dorsey	Richardson	Stoddard	Wellborn
Frazer	Riddle	Swift	

—19

Nays:

Messrs.:

Bonner	Mixon	St. John	Walden
Cook	McConnell	Stephens	Walton
Kuykendall	Parrish	Taylor	Woodall
Locke			

—13

PAIR ANNOUNCED

Mr. Starnes announced that he and Mr. McDowell were paired on this vote; that Mr. McDowell, if present, would vote "aye", and, he, Mr. Starnes would vote "No."

Mr. Simpson then offered the following amendment to the bill as amended by the substitute, to-wit:

Amend Section 4 of the bill as amended by inserting immediately following the words "appointed by the Governor" where the same occur together therein, the following additional words, viz;

"And who, before taking office shall be confirmed by a two-thirds vote of those elected to the Senate of Alabama."

Which was lost.

Yeas, 12; Nays, 21.

Yeas:

Messrs.:

Bonner	Frazer	Rogers	Swift
Browder	Locke	Russell	Tucker
Dorsey	McConnell	Simpson	Walden

—12

Nays:

Messrs.:

Carlton	Mixon	St. John	Thomas
Chesnut	Mooneyham	Starnes	Walton
Cook	Parrish	Stephens	Weaver
Goldsmith	Richardson	Stoddard	Wellborn
Kelly	Riddle	Taylor	Woodall
Kuykendall			

—21

Mr. Browder then offered the following amendment to the bill as amended by the substitute, to-wit:

To amend House bill No. 44, as amended by substitute as follows:

Amend Section 57 by striking out the word "half" wherever said word appears in this section.

Which was adopted.

Yeas, 32; Nay, 1.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers	Taylor
Browder	Locke	Russell	Thomas
Chesnut	Mixon	St. John	Tucker
Cook	Mooneyham	Simpson	Walden
Dorsey	McConnell	Starnes	Walton
Frazer	Parrish	Stephens	Weaver
Goldsmith	Richardson	Stoddard	Wellborn
Kelly	Riddle	Swift	Woodall

—32

Nay: Mr. Carlton

— 1

And said bill, as thus amended, was again read a third time at length and lost.

Yeas, 12; Nays, 20.

Yeas:

Messrs.:

Carlton	Goldsmith	Rogers	Thomas
Dorsey	Mooneyham	Simpson	Weaver
Frazer	Richardson	Stoddard	Wellborn

—12

Nays:

Messrs.:

Bonner	Kuykendall	Riddle	Taylor
Browder	Locke	Russell	Tucker
Chesnut	Mixon	St. John	Walden
Cook	McConnell	Stephens	Walton
Kelly	Parrish	Swift	Woodall

—20

PAIR ANNOUNCED

Mr. Starnes announced that he and Mr. McDowell were paired on this vote, that Mr. McDowell, if present, would vote "aye," and he, Mr. Starnes, would vote "No."

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the twelfth Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman:

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the twelfth Legislative day approved by the Senate.

ADJOURNMENT

At 11:25 P. M., on motion of Mr. Kelly, and in accordance with joint resolution heretofore adopted, the Senate adjourned until Tuesday, January 12, 1937, at 11 A. M.

Yeas, 18; Nays, 15.

Yeas:

Messrs.:

Carlton	Mooneyham	Simpson	Walden
Dorsey	Richardson	Starnes	Walton
Frazer	Riddle	Stoddard	Wellborn
Goldsmith	Rogers	Thomas	Woodall
Kelly	St. John		

—18

Nays:

Messrs.:

Bonner	Kuykendall	Parrish	Taylor
Browder	Locke	Russell	Tucker
Chesnut	Mixon	Stephens	Weaver
Cook	McConnell	Swift	

—15

THIRTEENTH DAY

Tuesday, January 12th, 1937

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The Session opened with prayer by Rev. H. G. Earnest, Door-keeper of the Senate.

ROLL CALL

Present:

Messrs.:			
Bonner	Kelly	Riddle	Taylor
Browder	Locke	Rogers	Thomas
Carlton	Mixon	Russell	Tucker
Chesnut	McConnell	St. John	Walden
Cook	McDowell	Simpson	Walton
Dorsey	Mooneyham	Stephens	Weaver
Frazer	Parrish	Stoddard	Wellborn
Goldsmith	Richardson	Swift	Woodall

—32

JOURNAL

On motion of Mr. Mooneyham the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Mr. Swift (by request):

S. 88. To provide that the State Department of Public Welfare shall perform all duties incident to the payment of pensions to those persons entitled thereto under the provisions of Chapter 55, Article 1 of the Code of Alabama of 1923 as amended; and to provide that the County Department of Public Welfare shall perform all duties incident to the receipt and delivery of such pensions; and to require the State Auditor to furnish the State Department of Public Welfare with proper certifications of all persons eligible for pension under the provisions of Chapter 55, Article 1 of the Code of Alabama of 1923 as amended.

Committee on Finance and Taxation.

REPORTS OF COMMITTEES

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Stoddard:

S. 86. To authorize and empower the Board of County Commissioners of Pike County, Alabama, to transfer and assign, sell or pledge not more than one-third ($\frac{1}{3}$) of the County's part of the Gasoline taxes now or hereafter levied by the State of Alabama and divided among the sixty-seven counties of the state, for a period not exceeding fifteen (15) years, and to authorize the issuance and sale of warrants, securities, debentures or assignments of said taxes, and to provide for the payment of such warrants, debentures, securities or assignments out of such county's part of such gasoline taxes; and to provide for the use of such proceeds of sale of such securities in the construction, maintenance, repair surfacing, hard surfacing, or resurfacing the roads and bridges, and the matching of funds with the State of Alabama and/or the United States of America, for Highway and Bridge purposes; and to further provide for authority for the County for the deposit of such proceeds with the State of Alabama for Highway or bridge purposes.

By Mr. Welborn:

S. 79. To create and establish a Board of County Commissioners in and for Calhoun County, Alabama, in the place and stead of the Board of Revenue in and for Calhoun County, Alabama, now existing in said county and abolishing said Board of Revenue of said County; to divide said County of Calhoun into five districts, fixing the boundaries of said districts, and to provide for the election of members of the said Board of County Commissioners; defining the jurisdiction of said Board of County Commissioners and fixing their compensation, and conferring upon said Board of County Commissioners all the jurisdiction, powers and authority granted by law to courts of county commissioners, boards of county commissioners, boards of revenue, or other governing boards of like kind and authority in the State of Alabama; constituting the first members of said Board of County Commissioners for said county, and providing for the election of their successors.

By Mr. Riddle:

S. 85. To Alter and Rearrange the Boundaries of the Town of Mignon, Talladega County, Alabama.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Moore:

H. 222. To provide for the compensation of members of the Board of County Commissioners of Bibb County out of the Gasoline Excise Tax Fund.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that application will be made to the present session of the Legislature of Alabama for the passage of the following bill:

A BILL

TO BE ENTITLED

AN ACT

To provide for the compensation of members of the Board of County Commissioners of Bibb County out of the Gasoline Excise Tax Fund.

Be it Enacted by the Legislature of Alabama:

Section One. Each member of the Court of County Commissioners of Bibb County, Alabama, shall be paid by the County Treasurer or Depository of Bibb County, Alabama, out of the Gasoline Excise Tax Fund for their services in inspecting the work of maintenance, up-keep and repairing the public roads of Bibb County, or for their services in supervising such work on said roads and all necessary traveling expenses incurred by them in performing such services, the sum of \$50.00 per month for each month so engaged, said sums to be paid by warrants drawn on the County Treasurer or County Depository on order of the Court of County Commissioners of Bibb County, Alabama.

Section Two. All laws, general, special and local in conflict with the provisions of this Act, are hereby repealed in so far as they relate to Bibb County.

Section Three. This Act goes into effect immediately upon its passage and approval by the Governor.

Signed: L. S. Moore,
Representative, Bibb County, Alabama.

STATE OF ALABAMA
BIBB COUNTY.

Before me, W. L. Pratt, Judge of Probate, in and for said County and State, personally appeared J. W. Oakley, Publisher of The Centreville Press, and after being duly sworn by me, deposes and says that the attached legal notice was published in The Centreville Press for four consecutive weeks, December 3, 10, 17, 24, 1936; That The Centreville Press has a general circulation in Bibb County, Alabama, that it has been mailed under the second class mailing privileges for 52 weeks prior to the publication of the above mentioned notice.

J. W. Oakley, Publisher.

Sworn to and subscribed before me, this 1st day of January, 1937.
W. L. Pratt, Judge of Probate.

Also:

By Mr. Cox:

H. 189. To provide for the relief of W. G. Culp, Ex-Tax Collector of Chilton County, Alabama and to authorize and direct the payment to him of the sum of \$166.64 out of the General School Funds of Chilton County, Alabama, same having been paid by him to the State of Alabama, for the use of the Board of Education of Chilton County, Alabama and received by said Board as interest on taxes collected by him while tax Collector of Chilton County, Alabama, and on which taxes he received no benefit.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

STATE OF ALABAMA, CHILTON COUNTY.

Notice is hereby given that a Bill will be introduced at the present 1936 session of the Legislature of Alabama, which Bill is in substance, as follows, to-wit:

A BILL TO BE ENTITLED AN ACT

To provide for the relief of W. C. Culp, Ex-Tax Collector of Chilton County, Alabama and to authorize and direct the payment to him of the sum of \$166.64 out of the General School Funds of Chilton County, Alabama, same having been paid by him to the State of Alabama, for the use of the Board of Education of Chilton County, Alabama and received by said Board as interest on taxes collected by him while tax Collector of Chilton County, Alabama, and on which taxes he received no benefits.

Be it enacted by the Legislature of Alabama:

Section 1. That the sum of \$166.64, which sum was paid by W. G. Culp, Ex-Tax Collector of Chilton County, Alabama, to the State of Alabama, for the use of the Board of Education of Chilton County, Alabama, and received by the Board of Education of Chilton County, Alabama, same being paid as interest on taxes collected by said W. G. Culp while tax collector of Chilton County, Alabama, and on which funds said W. G. Culp received no benefits, be and the same is hereby appropriated out of the General School Fund of Chilton County, Alabama and the custodian of said School Funds in Chilton County, Alabama, is hereby authorized, empowered and directed to pay to said W. G. Culp, out of the General School Funds of Chilton County, Alabama, the said sum of \$166.64.

Section 2. That this Act shall become effective upon its approval by the Governor.

**STATE OF ALABAMA,
CHILTON COUNTY.**

Personally appeared before me the undersigned authority in and for said County in said State, Billy Smith, who being by me first duly sworn, deposes and says, as follows:

That he is publisher of the Chilton County News, a newspaper of general circulation published at Clanton in said County and that the attached notice of the intention to introduce a Bill entitled, "To provide for the relief of W. G. Culp, Ex-Tax Collector of Chilton County, Alabama and to authorize and direct the payment to him of the sum of \$166.64 out of the General School Funds of Chilton County, Alabama, same having been paid by him to the State of Alabama, for the use of the Board of Education of Chilton County, Alabama and received by said Board as interest on taxes collected by him while tax Collector of Chilton County, Alabama, and on which taxes he received no benefit," was published in said newspaper once a week for four consecutive weeks, said notice and Bill appearing in the issues of December 3rd, December 10th, December 17th, and December 24th, all in the year 1936.

Billy Smith.

Sworn to and subscribed before me, this the 2nd day of January, 1937.

(Seal)

Lawrence F. Gerald,
Notary Public.

Also:

By Mr. Cox:

H. 187. To provide for the Relief of J. T. Rockett, Ex-Tax Collector of Chilton County, Alabama, and to authorize and direct the payment to him of the sum of \$132.99 out of the General Fund of Chilton County, Alabama, same having been paid by him to the State of Alabama for the use of Chilton County, Alabama, as interest on certain taxes collected by him and on which funds he received no benefit.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

**STATE OF ALABAMA,
CHILTON COUNTY.**

Notice is hereby given that a Bill will be introduced at the present 1936 session of the Legislature of Alabama, which Bill is, in substance, as follows, to-wit:

A BILL

TO BE ENTITLED

AN ACT

To provide for the relief of J. T. Rockett, Ex-Tax Collector of Chilton County, Alabama, and to authorize and direct the payment to him of the sum of \$132.99 out of the General Fund of Chilton County, Alabama, same

having been paid by him to the State of Alabama for the use of Chilton County, Alabama, as interest on certain taxes collected by him and on which funds he received no benefit.

Be it enacted by the Legislature of Alabama:

Section 1. That the sum of \$132.99, which sum was paid by J. T. Rockett, Ex-Tax Collector of Chilton County, Alabama, to the State of Alabama for the use of Chilton County, Alabama, and which sum represents interest charged against him on taxes collected by him as Tax Collector of Chilton County, Alabama, and on which he received no benefits, be, and the same is hereby appropriated out of the General Fund of Chilton County, Alabama, and the Treasurer of Chilton County, Alabama, is hereby authorized, empowered and directed to pay to the said J. T. Rockett out of the General Fund of Chilton County, Alabama, the said sum of \$132.99.

Section 2. That this Act shall become effective upon its approval by the Governor.

STATE OF ALABAMA,
CHILTON COUNTY.

Personally appeared before me the undersigned authority, in and for said County in said State, Billy Smith, who being by me first duly sworn, deposes and says, as follows:

That he is publisher of the Chilton County News, a newspaper of general circulation published at Clanton in said County and that the attached notice of the intention to introduce a Bill entitled, "To provide for the relief of J. T. Rockett, Ex-Tax Collector of Chilton County, Alabama, and to authorize and direct the payment to him of the sum of \$132.99 out of the General Fund of Chilton County, Alabama, same having been paid by him to the State of Alabama for the use of Chilton County, Alabama, as interest on certain taxes collected by him and on which funds he received no benefit," was published in said newspaper once a week for four consecutive weeks, said notice and Bill appearing in the issues of December 3rd, December 10th, December 17th, and December 24th, all in the year 1936.

Billy Smith.

Sworn to and subscribed before me, this the 2nd day of January, 1937.

Lawrence F. Gerald,

Notary Public.

(Seal)

Also:

By Mr. Cox:

H. 186. To provide for the relief of W. G. Culp, Ex-Tax Collector of Chilton County, Alabama, and to authorize and direct the payment to him the sum of \$160.25 out of the General Fund of Chilton County, Alabama, same having been paid by him to the State of Alabama for the use of Chilton County, Alabama, as interest on certain taxes collected by him and on which funds he received no benefit.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

STATE OF ALABAMA,
CHILTON COUNTY.

Notice is hereby given that a Bill will be introduced at the present 1936 session of the Legislature of Alabama which Bill is, in substance, as follows, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To provide for the relief of W. G. Culp, Ex-Tax Collector of Chilton County, Alabama, and to authorize and direct the payment to him the sum of \$160.25 out of the General Fund of Chilton County, Alabama, same having been paid by him to the State of Alabama for the use of Chilton County, Alabama, as interest on certain taxes collected by him and on which funds he received no benefit.

Be it enacted by the Legislature of Alabama:

Section 1. That the sum of \$160.25, which sum was paid by W. G. Culp, Ex-Tax Collector of Chilton County, Alabama, to the State of Alabama for the use of Chilton County, Alabama and which sum represents interest charged against him on taxes collected by him as Tax Collector of Chilton County, Alabama, on which he received no benefits, be, and the same is hereby appropriated out of the General Fund of Chilton County, Alabama, and the Treasurer of Chilton County, Alabama, is hereby authorized, empowered and directed to pay to the said W. G. Culp out of the General Fund of Chilton County, Alabama, the said sum of \$160.25.

Section 2. That this Act shall become effective upon its approval by the Governor.

STATE OF ALABAMA,
CHILTON COUNTY.

Personally appeared before me the undersigned authority in and for said County in said State, Billy Smith, who being by me first duly sworn deposes and says, as follows:

That he is publisher of the Chilton County News, a Newspaper of general circulation published at Clanton in said County and that the attached notice of the intention to introduce a Bill entitled, "To provide for the relief of W. G. Culp, Ex-Tax Collector of Chilton County, Alabama, and to authorize and direct the payment to him the sum of \$160.25 out of the General Fund of Chilton County, Alabama, same having been paid by him to the State of Alabama for the use of Chilton County, Alabama, as interest on certain taxes collected by him and on which funds he received no benefit" was published in said newspaper once a week for four consecutive weeks, said notice and Bill appearing in the issues of December 3, December 10th, December 17th and December 24th, all in the year 1936.

Billy Smith.

Sworn to and subscribed before me, this the 2nd day of January, 1937.

Lawrence F. Gerald,

(Seal)

Notary Public.

Also:

By Mr. Cox:

H. 188. To provide for the relief of J. T. Rockett, Ex-Tax Collector of Chilton County, Alabama and to authorize and direct the payment to him of the sum of \$102.34 out of the General School Funds of Chilton County, Alabama, same having been paid by him to the State of Alabama for the use of the Board of Education of Chilton County, Alabama, and received by said Board as interest

on taxes collected by him while Tax Collector of Chilton County, Alabama, and on which taxes he received no benefit.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

STATE OF ALABAMA, CHILTON COUNTY.

Notice is hereby given that a Bill will be introduced at the present 1936 session of the Legislature of Alabama, which Bill is in substance, as follows, to-wit:

A BILL TO BE ENTITLED AN ACT

To provide for the relief of J. T. Rockett, Ex-Tax Collector of Chilton County, Alabama and to authorize and direct the payment to him of the sum of \$102.34 out of the General School Funds of Chilton County, Alabama, same having been paid by him to the State of Alabama for the use of the Board of Education of Chilton County, Alabama, and received by said Board as interest on taxes collected by him while Tax Collector of Chilton County, Alabama, and on which taxes he received no benefit.

Be it enacted by the Legislature of Alabama:

Section 1. That the sum of \$102.34, which sum was paid by J. T. Rockett, Ex-Tax Collector of Chilton County, Alabama, to the State of Alabama for the use of the Board of Education of Chilton County, Alabama, and received by the Board of Education of Chilton County, Alabama, same being paid as interest on taxes collected by said J. T. Rockett while tax collector of Chilton County, Alabama, and on which funds said J. T. Rockett received no benefits, be, and the same is hereby appropriated out of the General School Fund of Chilton County, Alabama, and the custodian of said School Funds in Chilton County, Alabama, is hereby authorized, empowered and directed to pay to said J. T. Rockett out of the General School Funds of Chilton County, Alabama, the said sum of \$102.34.

Section 2. That this Act shall become effective upon its approval by the Governor.

STATE OF ALABAMA, CHILTON COUNTY.

Personally appeared before me the undersigned authority, in and for said County in said State, Billy Smith, who being by me first duly sworn, deposes and says, as follows:

That he is publisher of the Chilton County News, a newspaper of general circulation published at Clanton in said County and that the attached notice of the intention to introduce a Bill entitled, "To provide for the relief of J. T. Rockett, Ex-Tax Collector of Chilton County, Alabama, and to authorize and direct the payment to him of the sum of \$102.34 out of the General School Funds of Chilton County, Alabama, same having been paid by him to the State of Alabama, for the use of the Board of Education of Chilton County, Alabama, and received by said Board as interest on taxes collected by him while Tax Collector of Chilton County, Alabama, and on which taxes he received no benefit," was published in said newspaper once a week

for four consecutive weeks, said notice and Bill appearing in the issues of December 3rd, December 10th, December 17th and December 24th, all in the year 1936.

Billy Smith.

Sworn to and subscribed before me, this the 2nd day of January, 1937.
 (Seal) Lawrence F. Gerald,
 Notary Public.

Also:

By Mr. Merrill:

H. 225. To provide for the designation of Banks as custodians of County Funds in counties having a population of less than 15,000 according to the last or any subsequent Federal census, and to prescribe regulations for such custodians of County Funds, and to prescribe when this act shall go into effect.

Also:

By Mr. Boswell:

H. 200. To abolish the County Court of Geneva County, Alabama, to provide for the transfer of all cases pending in said Court to The Inferior Court of Geneva County, and to provide for the disposition of all judgments, fines and forfeitures rendered in said Court, and to repeal all laws relating to the salary of Judges of said County Court.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that a bill will be introduced at the next special session of the Legislature of the State of Alabama to abolish the County Court of Geneva County, Alabama, to provide for the transfer of all cases pending in said Court to The Inferior Court of Geneva County, and to provide for the disposition of all judgment, fines and forfeits rendered in said Court and executions thereon, and to repeal all laws relating to the salary of Judges of said County Court.

E. C. Boswell.

STATE OF ALABAMA,

Geneva County.

I, H. G. Wilkinson, Editor and Proprietor of the Geneva County Reaper, a weekly newspaper published in Geneva, Geneva County, Alabama*, do hereby certify that the advertisement attached hereto has been published in said newspaper for a period of four consecutive weeks, commencing Nov. 19, 1936, Nov. 26, 1936, Dec. 3, 1936 and ending Dec. 10, 1936.

Witness my hand this 10 day of December, 1936.

H. G. Wilkinson.

Sworn to and subscribed before me this 10 days of December, 1936.

(Seal) W. R. Draughon,
 (Register Circuit Court in Equity).

Printer's Fee \$4.00.

*This is to certify that the Geneva County Reaper has a general circulation in the County in which it is published and that this newspaper has been mailed under the second class mailing privileges for 52 consecutive weeks prior to the publication of this foreclosure advertisement, and that a copy of the newspaper containing the first notice of sale was mailed to the mortgagor at his or her last known address.

Also:

By Mr. Boswell:

H. 197. To abolish the office of Deputy Solicitor of Geneva County, Alabama, and repeal all laws, general, special or local, in conflict with the provisions of this Act, in so far as they relate to Geneva County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that a bill will be introduced at the next special session of the Legislature of the State of Alabama to abolish the office of Deputy Solicitor of Geneva County, Alabama, and to repeal all laws, general, special or local, with reference to Deputy Solicitor, in so far as they relate to Geneva County.

E. C. Boswell.

STATE OF ALABAMA,
Geneva County.

I, H. G. Wilkinson, Editor and Proprietor of the Geneva County Reaper, a weekly newspaper published in Geneva, Geneva County, Alabama*, do hereby certify that the advertisement attached hereto has been published in said newspaper for a period of 4 consecutive weeks, commencing Nov. 19, 1936, Nov. 26, 1936, Dec. 3, 1936 and ending Dec. 10, 1936.

Witness my hand this 10 day of December, 1936.

H. G. Wilkinson.

Sworn to and subscribed before me this 10 day of December, 1936.

(Seal)

W. R. Draughon,
(Register Circuit Court in Equity).

Printer's Fee \$2.74.

*This is to certify that the Geneva County Reaper has a general circulation in the County in which it is published and that this newspaper has been mailed under the second class mailing privileges for 52 consecutive weeks prior to the publication of this foreclosure advertisement, and that a copy of the newspaper containing the first notice of sale was mailed to the mortgagor at his or her last known address.

Also:

By Mr. Boswell:

H. 201. To alter and enlarge the corporate limits of the Town of Geneva, Geneva County, Alabama, and to re-arrange and to define the boundaries thereof.

Local Legislation No. One.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that a bill will be introduced at the present special session of the Legislature of the State of Alabama to extend, change, alter and rearrange the boundary lines and corporate limits of the Town of Geneva, Geneva County, Alabama, so that the boundary lines and corporate limits of said Town shall embrace and include all that territory of land embraced and included in the following limits and boundaries, to-wit: Beginning at a point on the North bank of Pea River where the Range line between Ranges Twenty-one (21) and Twenty-two (22) crosses said Pea River, and running thence North along said Range line to its intersection with Double Bridges Creek, thence running in a Southeasterly direction along said Double Bridges Creek to the junction of said Double Bridges Creek and Choctawatchee River, thence Southward along the West bank of Choctawatchee River to its junction with Pea River and thence Northwestward along the North banks of said Pea River to point of beginning and to abolish the present boundary lines and corporate limits of said Town of Geneva, Geneva County, Alabama, which are as follows: Commencing at the Junction of Pea River, running North up the Choctawatchee River to the junction of Double Bridges Creek, thence up said Creek to the Big Eddy above the Register place on said Creek, thence running a South direction unto the Big Eddy on the Pea River, thence down said river to its junction.

E. C. Boswell.

STATE OF ALABAMA,

Geneva County.

I, H. G. Wilkinson, Editor and Proprietor of the Geneva County Reaper, a weekly newspaper published in Geneva, Geneva County, Alabama*, do hereby certify that the advertisement attached hereto has been published in said newspaper for a period of 4 consecutive weeks, commencing Nov. 26, 1936, Dec. 3, 1936, Dec. 10, 1936 and ending Dec. 17, 1936.

Witness my hand this 17 day of Dec., 1936.

H. G. Wilkinson.

Sworn to and subscribed before me this 17 day of Dec., 1936.

W. R. Draughon,

(Register Circuit Court in Equity).

(Seal)

Printer's Fee \$2.74.

*This is to certify that the Geneva County Reaper has a general circulation in the County in which it is published and that this newspaper has been mailed under the second class mailing privileges for 52 consecutive weeks prior to the publication of this foreclosure advertisement, and that a copy of the newspaper containing the first notice of sale was mailed to the mortgagor at his or her last known address.

Also:

By Mr. Boswell:

H. 202. To establish a Court of Record in Geneva County, Alabama, to be known as the "Inferior Court of Geneva County"; to provide for its criminal jurisdiction to include all misdemeanors; and to provide for the civil jurisdiction thereof to include all civil jurisdiction now exercised by justices of the peace, and in addition thereto to include all suits, actions and matters at law where the amount involved therein is the sum of Three Hundred & No/100 Dollars, or less, to provide for the officers of the said court, their

terms of office, the manner of their selection and election, and their powers, duties and compensation; to fix the fees and costs in said court; to provide for the rules of procedure for said court and for the operation thereof; to provide for the registering of judgments rendered in said court, and the effect thereof; to provide for the method and manner of instituting civil and criminal proceedings therein, and the procedure therein; to provide for the transfer of criminal prosecutions for misdemeanors now or hereinafter pending in the County Court of Geneva County, Alabama or the Circuit Court thereof to the said Inferior Court of Geneva County; and to provide for the transfer of civil suits pending in said Circuit Court, within the jurisdiction of this court, by agreement.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that a bill will be introduced at the next special session of the Legislature of the State of Alabama to establish in and for Geneva County, Alabama, a Court to be called The Inferior Court of Geneva County; to prescribe the powers and jurisdiction of said Court; to provide for its officers, their powers, duties and compensation, and time of holding said Court; to prescribe the rules of procedure in said Court; to provide for the transfer of all misdemeanor cases now on the Circuit Court docket in said County to the said Court, and for the transfer to the said Court of all misdemeanor cases which may hereafter be returned by indictment into the Circuit Court, and to provide for the transfer of all cases now on the County Court docket in said County to said Court; and to provide for the transfer, by agreement of parties, of all civil suits now pending on said Circuit Court docket, where the amount involved does not exceed the jurisdiction of said Court, and to provide terms and sessions thereof to be held at Geneva, in Geneva County, Alabama.

E. C. Boswell.

STATE OF ALABAMA,

Geneva County.

I, H. G. Wilkinson, Editor and Proprietor of the Geneva County Reaper, a weekly newspaper published in Geneva, Geneva County, Alabama, do hereby certify that the advertisement attached hereto has been published in said newspaper for a period of 4 consecutive weeks, commencing Nov. 19, 1936, Nov. 26, 1936, Dec. 3, 1936 and ending Dec. 10, 1936.

Witness my hand this 10 day of Dec., 1936.

H. G. Wilkinson.

Sworn to and subscribed before me this 10 day of Dec., 1936.

W. R. Draughon,

(Seal)

(Register Circuit Court in Equity).

Printer's Fee \$11.11.

*This is to certify that the Geneva County Reaper has a general circulation in the County in which it is published and that this newspaper has been mailed under the second class mailing privileges for 52 consecutive weeks prior to the publication of this foreclosure advertisement, and that a copy of

the newspaper containing the first notice of sale was mailed to the mortgagor at his or her last known address.

Also:

By Mr. Boswell:

H. 199. To regulate the Fine and Forfeiture fund of Geneva County, Alabama; to provide for the receipts and disbursements of the same; to authorize and require the Commissioners Court of said county to appropriate funds for the payment of registered state witness certificates and officers scrip now payable out of Fine and Forfeiture fund; to prescribe the duties of the County Treasurer or other custodian of county funds in relation to the receipts and disbursement of these funds, and to prescribe the order of priority in which the same shall be paid and to provide that fines and forfeitures shall be paid in cash only.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that a bill will be introduced at the next special session of the Legislature of the State of Alabama to regulate the Fine and Forfeiture fund of Geneva County, Alabama; to provide for the receipts and disbursements of the same; to authorize and require the Commissioners Court of said County to appropriate funds for the payment of registered state witness certificates and officers scrip now payable out of Fine and Forfeiture fund; to prescribe the duties of the County Treasurer or other custodian of County funds in relation to the receipts and disbursement of these funds, and to prescribe the order of priority in which the same shall be paid and to provide that fines and forfeitures shall be paid in cash only, and to provide for the transfer of surplus funds from the Fine and Forfeiture fund to the General Fund.

E. C. Boswell.

STATE OF ALABAMA, Geneva County.

I, H. G. Wilkinson, Editor and Proprietor of the Geneva County Reaper, a weekly newspaper published in Geneva, Geneva County, Alabama*, do hereby certify that the advertisement attached hereto has been published in said newspaper for a period of 4 consecutive weeks, commencing Nov. 19, 1936, Nov. 26, 1936, Dec. 3, 1936 and ending Dec. 10, 1936.

Witness my hand this 10 day of Dec. 1936.

H. G. Wilkinson.

Sworn to and subscribed before me this 10 day of Dec. 1936.

(Seal)

Printer's Fee \$8.77.

W. R. Draughon,
(Register Circuit Court in Equity).

*This is to certify that the Geneva County Reaper has a general circulation in the County in which it is published and that this newspaper has been mailed under the second class mailing privileges for 52 consecutive weeks prior to the publication of this foreclosure advertisement, and that a copy of the newspaper containing the first notice of sale was mailed to the mortgagor at his or her last known address.

Also:

By Mr. Owens (Madison):

H. 217. To regulate and govern the jurisdiction of justices of the peace and notaries public with powers of justices of the peace in Madison County, Alabama; to provide that an exercise or attempted exercise of contrary jurisdiction shall constitute a misdemeanor; and to repeal an Act entitled an Act "To abrogate and abolish the jurisdiction of Justices of the Peace and Notaries Public with powers of Justices of Peace in Madison County, Alabama, of all criminal causes except as committing magistrates in felony cases," approved March 2, 1931, (Local Acts 1931, p. 20).

With notice and proof thereto attached and herewith exhibited as follows:

A BILL

to be entitled

AN ACT

To regulate and govern the jurisdiction of justices of the peace and notaries public with powers of justices of the peace in Madison County, Alabama; to provide that an exercise or attempted exercise of contrary jurisdiction shall constitute a misdemeanor; and to repeal an Act entitled an Act, "To abrogate and abolish the jurisdiction of Justices of the Peace and Notaries Public with powers of Justices of Peace in Madison County, Alabama, of all criminal causes except as committing magistrates in felony cases," approved March 2, 1931. (Local Acts 1931, p. 20).

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the jurisdiction of justices of the peace and notaries public with the powers of justices of peace in Madison County, Alabama, shall be the same as that provided by the general laws of the State of Alabama, provided, however, that such justices of the peace and notaries public ex-officio justices of the peace in Madison County, Alabama, shall have territorial jurisdiction only of crimes and law violations committed in the precinct for which such justice of the peace or notary public ex-officio justice of the peace is elected or appointed, and all judgments or attempted judgments as to crimes or violations of law committed outside such precincts shall be absolutely void and unenforceable.

Section 2. That the exercise or the attempted exercise of jurisdiction contrary to the provisions of Section 1 of this Act by the justices of the peace or notaries public with the powers of justices of peace in Madison County, Alabama, shall constitute a misdemeanor, and shall be punishable as such under the laws of Alabama.

Section 3. That the Act entitled an Act, "To abrogate and abolish the jurisdiction of Justices of the Peace and Notaries Public with powers of Justices of Peace in Madison County, Alabama, of all criminal causes except as committing magistrates in felony cases," be and the same is hereby repealed.

Section 4. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Section 5. This Act shall go into effect immediately upon its approval by the Governor.

STATE OF ALABAMA,
MADISON COUNTY.

Before me, W. P. Nicholson, a notary public in and for said state and county, personally appeared Jack Langhorne, known to me, who being by me first duly sworn, deposes and says he is Business Manager of The Huntsville Times Co., that it is a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached notice of a bill to be entitled to regulate powers of Justice of Peace and Notaries Public, was published in the legal editions of the said newspaper for December 14, 1936, December 21, 1936, December 28, 1936 and January 4, 1937.

Jack Langhorne,
Business Manager.

Sworn to and subscribed before me this the 4 day of January, 1937.

(Seal) W. P. Nicholson,
Notary Public, Madison County, Alabama.

Also:

By Mr. Taylor:

H. 209. For the relief of William J. O'Connor as official stenographer for the State Solicitor for the Thirteenth Judicial Circuit of Alabama (Mobile County); to provide compensation for the months of June, July, August and part of September, 1935, to be paid out of the General Funds of Mobile County, Alabama; to provide for said official stenographer to draw a warrant on the Treasurer of Mobile County, Alabama, for said compensation and to direct the Treasurer of Mobile County, Alabama, to register and pay said warrant out of the County Treasury of Mobile County, Alabama, as a preferred claim.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that at the present session of the Legislature of Alabama, now in session, a Bill will be introduced and an effort made to have the same enacted into law, which Bill will provide in substance as follows:

A BILL

TO BE ENTITLED AN ACT

For the relief of William J. O'Connor as official stenographer for the State Solicitor for the Thirteenth Judicial Circuit of Alabama (Mobile County); to provide compensation for the months of June, July, August and part of September, 1935, to be paid out of the General Funds of Mobile County, Alabama; to provide for said official stenographer to draw a warrant on the Treasurer of Mobile County, Alabama, for said compensation and to direct the Treasurer of Mobile County, Alabama, to register and pay said warrant out of the County Treasury of Mobile County, Alabama, as a preferred claim.

Whereas on the 1st day of September, 1931, William J. O'Connor was duly appointed and qualified as the official stenographer for the Circuit So-

licitor for the Thirteenth Judicial Circuit of Alabama (Mobile County) under an Act of the Legislature known as House Bill No. 53. Approved by the Governor of the State of Alabama on February 10th, 1927, said Act being reported in the General Acts of Alabama of 1927, Page 31, which said Act was not amended, superseded or repealed until September 9th, 1935, and

Whereas the said William J. O'Connor did perform the duties of said office created by the aforesaid Act continuously from said date to the 9th day of September, 1935, and

Whereas the Treasurer of Mobile County, Alabama, refused to register and pay properly drawn warrants presented to him by the said William J. O'Connor for his salary for services performed pursuant to said office for the months of June, July, August and part of (to the 9th of September) September, 1935, and for which the said William J. O'Connor has never been paid.

Now Therefore Be It Enacted By The Legislature of Alabama:

Section 1. That there be paid to the said William J. O'Connor out of the General Funds of Mobile County, Alabama, the sum of Five Hundred and Sixty (\$560.00) Dollars for work and labor done by said William J. O'Connor as the official stenographer for the Circuit Solicitor of the Thirteenth Judicial Circuit (Mobile County) for the months of June, July, August and part of the month of September, 1935, and be it further enacted that the said William J. O'Connor is hereby authorized, directed and empowered to draw his said warrant on the Mobile County Treasury for said sum and the Treasurer of Mobile County, Alabama is hereby authorized, empowered and directed to register and pay said warrant as a preferred claim out of the General Funds of said County.

Section 2. This Act shall take effect immediately upon its passage and approval by the Governor of the State of Alabama.

V. M. Cunan, being sworn, says that he is Auditor of The Mobile Press and The Mobile Register; daily newspapers printed and published in the city and county of Mobile, state of Alabama; and that the attached notice appeared in the issues of the Mobile Press 11/28, 12/5, 12/12 & 12/19, 1936.

V. M. Cunan.

Sworn to and subscribed before me this 19th day of December, 1936.

Carl M. Smith.

Notary Public.

Also:

By Mr. Langdon:

H. 227. To repeal an Act entitled, "To provide for the payment in Pickens County, Alabama, of a license or privilege tax on gasoline and other motor fuel and to provide for the collection thereof and penalties for violation thereof".

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF PUBLICATION

Notice is hereby given that a local Bill affecting Pickens County, Alabama, will be introduced in the present extra session of the Alabama Legislature in substance as follows:

AN ACT

To repeal an act entitled, "To provide for the payment in Pickens County, Alabama, of a license or privilege tax on gasoline and other motor fuels, and to provide for the collection thereof and penalties for violation thereof."

ROBERT G. LANGDON,
Member of House of Representatives.

STATE OF ALABAMA,
PICKENS COUNTY.

Personally appeared before me, Jack M. Pratt, a Notary Public in and for said County and State, Thalia F. Pratt, who, being by me first duly sworn, deposes and says that she is the Publisher of the Pickens County Herald, a weekly newspaper published at Carrollton, in said County and State, and that the notice, a true copy of which is hereto attached, was published in said paper for four consecutive weeks, on the following dates: December 3rd, 1936, December 10th, 1936, December 17th, 1936, December 24th, 1936.

THALIA F. PRATT,

Given under my hand and seal this the 1st day of January, 1937.

JACK M. PRATT,

Publication fee \$3.60
Certificate .50
(Seal)

Notary Public.

Also:

By Mr. Britton:

H. 212. To create a County Court for Russell County, Alabama; to provide for its jurisdiction, its officers, fix their powers, duties and compensation; to provide for a trial tax, and its disposition.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that at the next session of the Legislature of Alabama, whether special or extraordinary, application will be made for the introduction and passage of a local law affecting Russell County, Alabama, substantially as follows:

AN ACT

To create a County Court for Russell County, Alabama; to provide for its jurisdiction, its officers, fix their powers, duties and compensation; to provide for a trial tax, and its disposition.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That there is hereby created in and for Russell County, Alabama, a court to be known as County Court of Russell County, Alabama.

Section 2. That said court and its officers, shall have the same jurisdiction powers, duties and practice as provided by the Statutes of the State of

Alabama, relating to County Courts, except as herein otherwise provided.

Section 3. That the clerk of the Circuit Court of Russell County, Alabama, shall be ex-officio clerk of the County Court of Russell County, Alabama and his fees and the method of paying same shall be as allowed to him by law for similar services in the County courts of this state.

Section 4. That the Deputy Solicitor of the Circuit Court of Russell County, Alabama, shall be ex-officio Solicitor of said Court, and his salary as Deputy Solicitor for the Circuit Court shall not be increased by reason of the duties imposed by this Act.

Section 5. That the Solicitor's fees shall be the same as for similar services rendered in the Circuit Court.

Section 6. That the Sheriff of Russell County, or his deputy, shall attend all sessions of said court, serve all processes, and his fees and compensation for his attendance and services in connection therewith shall be the same as allowed to him by law for similar services in the County Courts of this State.

Section 7. Witnesses shall receive the same pay and allowance for mileage as provided by law for witnesses in County Court.

Section 8. That all fines, penalties and forfeitures imposed by said court, Solicitor's fees and trial tax shall be collected by the Clerk and paid into the Depository of the County, and shall constitute a fund known as "County Court Fund", and shall be kept separate from all other County funds.

Section 9. Appeals from said court shall be to the circuit court, same as provided by law for appeals in County Courts.

Section 10. The maintenance of said court shall be the same as provided by law for the maintenance of County Courts, except that any amounts expended therefor shall be paid out of the said County Court fund.

Section 11. That the present Judge of the Inferior Court of Phenix City, Alabama, is hereby constituted and appointed the first Judge of said Court, and he shall hold office until the first Monday after the second Tuesday in January, 1941, and his successor shall be elected at the general election in November, 1940, and the term of office of the Judge shall be four years; that said Judge shall be learned in the law and a qualified elector of Russell County, Alabama at the time of his appointment or election; that the Judge of said Court shall receive a salary of \$1,500.00 per annum, payable in 12 equal monthly installments out of the County Court fund on Warrants drawn by the Judge that in case of a vacancy in said office the same shall be filled by appointment by the Governor for the unexpired term.

Section 12. That the Judge of said Court shall fix the time for holding said Court at the regular places as provided by law for holding Circuit Court in Russell County, Alabama; that said Court shall be open all secular days for the transaction of the business of the court.

Section 13. That in the absence, inability or disqualification of the Judge of said Court, he shall appoint in writing a special Judge to act in his stead, and said appointment shall be entered upon the docket of said Court, and said appointee shall be paid the sum of \$5.00 per day for services while actually engaged in holding Court, to be paid in like manner as the Judge is paid.

Section 14. That a trial tax of \$3.00 shall be assessed and collected by the clerk in all cases.

Section 15. That during the month of January of each year, the Chairman of the County Commissioners or other governing body of the County and the Judge of this court shall confer and agree upon what amount from said fund may be transferred to the General Funds of the County, leaving sufficient amount in said County Court Fund to meet the obligations and charges against same, and insure sufficient balance to meet the needs of said Court, and said amount when agreed upon shall be transferred to the general funds of the County.

Section 16. That all laws, parts of laws, special or general in conflict with the provisions of this Act be, and the same are hereby repealed.

Section 17. If any section or provision of this Act shall be declared void or unconstitutional, it shall not affect or impair the validity or constitutionality of any other section or provision herein, which is not in or of itself void or unconstitutional.

Section 18. This Act shall become effective immediately upon its passage and approval by the Governor, and the resignation of the Judge of the Inferior Court of Phenix City, Alabama.

State of Alabama,
Russell County.

Before me, the undersigned authority, personally appeared Isabel A. Moses, who being known to me after first being duly sworn, deposes and says:

That Isabel A. Moses, this affiant, is the Publisher of the Phenix-Girard Journal, a newspaper published at Phenix City, in Russell County, Alabama; that said Phenix-Girard Journal is a newspaper having general circulation in Russell County, Alabama and that the attached copy of notice of intention to apply for the introduction and passage of a Bill entitled "An Act to create a County Court for Russell County, Alabama; to provide for its jurisdiction, its officers, fix their powers, duties and compensation; to provide for a trial tax, and its disposition," a copy of which is hereto attached and marked Exhibit "A" and made a part hereof, was published in said Phenix-Girard Journal, a newspaper published in Russell County, Alabama, in four consecutive issues of said newspaper for four successive weeks as follows: November 20th, 1936; November 27, 1936; December 4, 1936 and December 11, 1936; that said Phenix-Girard Journal is a newspaper published in the English language and that said newspaper has been published and printed at Phenix City, Russell County, Alabama, and entered at the United States Post Office at Phenix City, Alabama, as second class mail matter, for more than fifty two consecutive weeks prior to November 20th, 1936, the date of the publication of the first notice of said intention to apply for the passage of said Bill hereto attached, by the Legislature of Alabama.

Isabel A. Moses.
Publisher.

Sworn to and subscribed before me this the 22 day of December, 1936.

(Seal) Mercer B. Blake,
Notary Public, Russell County, Alabama.

Also:

By Mr. Britton:

H. 211. To amend Sections 27 and 28 of an Act entitled an act to establish an additional or branch court house at Phenix City, in Russell County, Alabama; to divide the county into Northern and Southern divisions for such circuit court and to fix the boundary line between the two; To provide for the manner and form of the process for causes to be heard in the different divisions; to require certain officers of the county to keep an office at such branch court house; to fix the duties and compensation for such officers; to provide for grand and petit juries; to fix the jurisdiction and venue of each division of both civil and criminal cases, and to provide for the removal of such cases from one division to the other; to pro-

vide the method of appeal from inferior courts to the respective divisions of the Circuit Court; to fix requirements as to the confinement of prisoners in the county jail; to provide for the jury and nonjury terms of circuit court in said divisions; to fix the method of determining said terms; To provide for regular and special meetings of the Board of Revenue of said County in each division; to declare and fix the duties of the Judge of Probate with reference to said branch office and the two divisions; to provide for the penalty to comply with his duty and to fix compensation therefor; to provide for the holding of county court in each division and the jurisdiction of cases as to the said divisions; to provide for the appointment of a deputy clerk and fix his compensation; To require Phenix City, in Russell County, Alabama, to furnish quarters for said county officers, safekeeping of the records thereof, and for the furnishing of said offices with furniture, fixtures, equipment, etc. To provide or the furnishing of books and stationary by the County; to fix the method and time by which said Act shall be and be declared to be operate and effective and the time within which the first term of the circuit court shall be held in said Northern division; to fix the duties and provide the compensation of the tax collector and tax assessor with reference to said branch or additional court house and division; approved August 11, 1927; by providing for compensation to be paid the deputy tax collector and the deputy tax assessor of Russell County out of the general fund of the county.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that a bill will be introduced at the special or extraordinary session of the Legislature of Alabama called by the Governor of Alabama and now in session and which convened on the 23rd day of November, 1936, in substance as follows:

A BILL TO BE ENTITLED AN ACT

To amend Sections 27 and 28 of an Act entitled an act to establish an additional or branch court house at Phenix City, in Russell County, Alabama; to divide the county into Northern and Southern divisions for such circuit court and to fix the boundary line between the two; To provide for the manner and form of the process for causes to be heard in the different divisions; to require certain officers of the county to keep an office at such branch court house; to fix the duties and compensation for such officers; to provide for grand and petit juries, to fix the jurisdiction and venue of each division of both civil and criminal cases, and to provide for the removal of such cases from one division to the other; to provide the method of appeal

requirements as to the confinement of prisoners in the county jail; to provide for the jury and non-jury terms of circuit court in said divisions; to fix the from inferior courts to the respective divisions of the Circuit Court; to fix method of determining said terms; To provide for regular and special meetings of the Board of Revenue of said County in each division; to declare and fix the duties of the Judge of Probate with reference to said branch office and the two divisions; to provide for the penalty for failure to comply with his duty and to fix compensation therefor; to provide for the holding of county court in each division and the jurisdiction of cases as to the said divisions; to provide for the appointment of a deputy clerk and fix his compensation; To require Phenix City, in Russell County, Alabama, to furnish quarters for the said county officers, safe-keeping of the records thereof, and for the furnishing of said offices with furniture, fixtures, equipment, etc. To provide for the furnishing of books and stationary by the County; to fix the method and time by which said Act shall be and be declared to be operate and effective and the time within which the first term of the circuit court shall be held in said Northern division; to fix the duties and provide the compensation of the tax collector and tax assessor with reference to said branch or additional court house and division; approved August 11, 1927; by providing for compensation to be paid the deputy tax collector and the deputy tax assessor of Russell County out of the general fund of the county.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That Section 27 of the Act entitled An Act to establish an additional or branch court house in Phenix City, in Russell County, Alabama; to divide the county into Northern and Southern divisions for such circuit court and to fix the boundary line between the two; To provide for the manner and form of the process for causes to be heard in different divisions; to require certain officers of the county to keep an office at such branch court house; to fix the duties and compensation for such officers; to provide for grand and petit juries; to fix the jurisdiction and venue of each division of both civil and criminal cases, and to provide for the removal of such cases from one division to the other; to provide the method of appeal from inferior courts to the respective divisions of the Circuit Court; to fix the requirements as to the confinement of prisoners in the county jail; to provide for the jury and non-jury terms of circuit court in said divisions; to fix the method of determining said terms; To provide for regular and special meetings of the Board of Revenue of said County in each division; to declare and fix the duties of the Judge of Probate with reference to said branch office and the two divisions; to provide for the penalty for failure to comply with his duty and to fix compensation therefor; to provide for the holding of county court in each division and the jurisdiction of cases as to the said division; to provide for the appointment of a deputy clerk and fix his compensation; to require Phenix City, in Russell County, Alabama, to furnish quarters for the said county officials, safekeeping of the records thereof, and for the furnishing of said offices with furniture, fixtures, equipment, etc. To provide for the furnishing of books and stationery by the County; to fix the method and time by which said Act shall be and be declared to be operate and effective, and the time within which the first term of the circuit court shall be held in said Northern division; to fix the duties and provide the compensation of the tax collector and tax assessor with reference to said branch or additional court house and division, approved August 11, 1927, be amended so as to read as follows:

Section 27. The Tax Collector of Russell County shall appoint a deputy tax collector, who shall keep an office open in the Northern division at Phenix City, in Russell County, or in the Southern Division at Seale, Russell County. as the Tax Collector shall designate, who shall have the right as the deputy of such Tax Collector to perform all the duties of the tax collector

and taxes may be paid to him the same as the tax collector. Such deputy tax collector shall be required to give bond in the sum of \$2,500.00 in the same manner as the tax collector is now required to give bond and subject to the same requirements and restrictions. Said deputy tax collector shall be paid a salary out of the general fund of said county, the same to be paid to him directly in twelve equal monthly installments per year to go as compensation to such deputy tax collector. The tax collector, upon the appointment of such deputy tax collector, shall certify such appointment to The County Commission of Russell County, or other governing body of Russell County who shall fix the salary of such deputy tax collector in such amount as said governing body of the county may deem fair and proper, provided, however, that in no event shall such deputy tax collector be paid not less than \$300.00 nor more than \$600.00 per annum.

Section 2. That Section 28 of said Act be amended to read as follows:

Section 28. That the Tax Assessor of Russell County shall appoint a deputy tax assessor who shall keep an office open in the Northern Division, in Phenix City, in Russell County, or in the Southern Division at Seale, in Russell County, as the Tax Assessor shall designate, who shall have the right as the deputy of such tax assessor to perform all the duties of the tax assessor, and taxes may be assessed with him the same as with the Tax Assessor. Said deputy tax assessor shall be paid a salary out of the general funds of said county, the same to be paid to him directly in twelve monthly installments, per year, to get as compensation to such deputy tax assessor. The Tax Assessor, upon the appointment of such deputy tax assessor, shall certify such appointment to the County Commission of Russell County, or other governing body of Russell County, who shall fix the salary of such deputy tax assessor in such amount as said governing body of the county may deem fair and proper, provided, however, that in no event shall such deputy tax assessor be paid not more than \$600.00 per annum. The Tax Collector and Tax Assessor may appoint and certify the same person to act as deputy tax collector and as deputy tax assessor of Russell County; in such event the compensation of such person shall be not less than \$300.00 or more than \$600.00 per annum as fixed by the governing body of the county.

Section 3. This act shall take effect upon its passage and approval by the Governor.

State of Alabama,

Russell County.

Before me, the undersigned authority, personally appeared Isabel A. Moses, who being known to me, after first being duly sworn, deposes and says:

That she is the Publisher of Phenix Girard Journal, a newspaper published in Russell County, Alabama, and having general circulation therein; that said newspaper has been printed and published in the English language and mailed at the U. S. Post Office at Phenix City, Alabama, under the second class mailing privileges prescribed by the United States Post Office Department for more than fifty two consecutive weeks prior to the 11th day of December, 1936, and that the attached copy of notice of the intention to apply to the Legislature of Alabama for the introduction and passage of a Bill to amend Sections 27 and 28 of an Act establishing an additional or branch court house at Phenix City, Russell County, Alabama, was published in the Phenix Girard Journal for four consecutive issues of said newspaper for four consecutive weeks on the following dates: Dec. 11th, 18, and 25th, 1936 and January 1st, 1937, and that said attached copy of said notice is made a part of this affidavit the same as if incorporated herein.

Isabel A. Moses,

Publisher.

Sworn to and subscribed before me this the 2nd day of January, 1937.

I. I. Moses,

(Seal)

Notary Public, Russell, County, Alabama.

Also:

By Mr. Britton:

H. 210. For the relief of Curtis Baker, by payment to him of funds expended by him for hospital bill and Doctor's bill and other expenses on account of being injured while in the employ of Russell County, Alabama, and while in the line of and in the performance of his duties as an employee of Russell County, State of Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE IS HEREBY GIVEN OF THE INTENTION TO APPLY TO THE PRESENT SESSION OF THE LEGISLATURE OF ALABAMA, WHICH CONVENED IN EXTRAORDINARY SESSION IN THE CITY OF MONTGOMERY, ON MONDAY, NOVEMBER 23, 1936, FOR THE PASSAGE AND APPROVAL OF A LOCAL ACT IN SUBSTANCE AS FOLLOWS:

AN ACT

For the relief of Curtis Baker, by payment to him of funds expended by him for hospital bill and Doctor's bill and other expenses on account of being injured while in the employ of Russell County, Alabama, and while in the line of and in the performance of his duties as an employee of Russell County, State of Alabama.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the County Commission, or other governing body of Russell County is hereby authorized, required and directed to draw or cause to be drawn, a warrant on the County Treasurer or County Depository of Russell County, Alabama, in favor of Curtis Baker for the sum of \$157.50 to be paid out of funds paid into said County Treasurer from the collection of gasoline tax, road and bridge funds of the County or General Funds as said governing body of said County may direct for the purpose of reimbursing the said Curtis Baker for funds expended by him for doctor's bill, hospital bill and medical attention on account of an accident on the 25th day of June, 1936, while the said Curtis Baker was working as an employee and in the line of and performance of his duties as an employee of Russell County, Alabama, and under circumstances that he had no recourse at law to recover damages or compensation for said accident. That the County Treasurer or County Depository of Russell County, Alabama, is authorized and requested to pay said warrant out of funds in its hands for said purposes. This Act shall take effect on its passage.

STATE OF ALABAMA,

Russell County.

Before me, the undersigned authority, personally appeared Isabel A. Moses, who being known to me after first being duly sworn, deposes and says:

That she is the Publisher of the Phenix-Girard Journal, a newspaper published in Russell County, Alabama, and having general circulation therein; that said newspaper is printed in the English language and has been printed in the English language and entered under the second class mailing privileges of United States Post Office Department for more than fifty-two consecutive weeks prior to the 27th day of November, 1936, at the United

States Post Office at Phenix City, Alabama, and that the attached notice entitled "An Act for the relief of Curtis Baker, by payment to him for funds expended by him for the hospital bill and doctor's bill and other expenses on account of being injured while in the employ of Russell County, Alabama, and while in the line of and in the performance of his duties as an employee of Russell County, State of Alabama" was published in four consecutive issues for four consecutive weeks, viz: November 27, December 4, December 11 and December 18, 1936, of said Phenix-Girard Journal, a copy of said notice being hereto attached and made a part hereof.

Isabel A. Moses,
Publisher.

Sworn to and subscribed before me this the 4 day of January, 1937.

(Seal)

Mrs. Lucille Smith,
Notary Public, Russell County, Alabama.

Also:

By Mr. Ellis:

H. 213. To prevent hunting and trapping in Shelby County, Alabama, on lands of another, without first having obtained from the owner, or agent thereof, a written permit to do so, and to provide a penalty for such hunting or trapping without written permission."

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given of the intention to apply to the present special session of the Legislature of Alabama for the enactment of the following Act:

To prevent hunting and trapping in Shelby County, Alabama, on lands of another, without first having obtained from the owner, or agent thereof, a written permit to do so, and to provide a penalty for such hunting or trapping without written permission.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA

Section 1. That any person who hunts or traps in Shelby County, Alabama, on lands of another, without first having obtained from the owner, or his agent, a written permission to do so, shall be guilty of a misdemeanor and, on conviction shall be fined not less than ten or more than twenty-five dollars; provided, that no written permission shall be required of any person hunting on lands in company with the owner thereof, or his agent, or any member of the family of such owner.

Nov. 26, Dec. 3, 10, 17, 1936.

THE STATE OF ALABAMA, SHELBY COUNTY.

Personally appeared before me, L. C. Walker, Judge of Probate, in and for said County, Frank Head who being duly sworn according to law deposes and says that he is the publisher of The Shelby County Democrat, a newspaper published in said county, and that publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper 4 weeks consecutively, to-wit, in the issues thereof dated as follows: Nov. 26, Dec. 3, 10, 17, 1936.

Frank Head,
Publisher.

Subscribed and sworn to before me this 18 day of Dec. 1936.

L. C. Walker,
Judge of Probate.
Printers Fee \$7.38.

Also:

By Mr. Matthews:

H. 216. To establish a board of Revenue for Wilcox County, and for the abolishment of the Court of County Commissioners of said County.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that the following bill will be introduced in the present session of the Legislature of 1936.

A BILL

To be entitled an Act

To establish a board of Revenue for Wilcox County, and for the abolishment of the Court of County Commissioners of said County.

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby established a Board of Revenue for Wilcox County consisting of five persons one of whom shall be president thereof, to be called the Board of Revenue of Wilcox County.

Section 2. At the general election in 1940 and every four years thereafter the five members of the Board of Revenue shall be elected by the qualified voters of each of the five districts of the county as herein provided, and they shall hold office for the term of four years from the first Monday after the second Tuesday in January next after their election, and until their successors are elected, and qualified. The five Board of Revenue Districts shall be constituted and shall be composed of the beats of said County as now constituted or as the same may hereafter be changed as required by law. The Districts shall be called, respectively, the first, the second, the third, the fourth, and the fifth District. The First District shall be composed of the following beats as now constituted or as the same may be hereafter changed in boundaries according to law: Camden, Canton Bend, O'Possum Bend, Blacks Bluff, Sedan; the Second District shall be composed of the following beats as now constituted or as the same may be hereinafter changed in boundaries according to law: Mt. Hope, Ackerville, Snow Hill, Pine Apple, Awin; the Third District shall be composed of the following beats as now constituted or as the same may be changed in boundaries according to law; Allenton, Fox's Mill, Mims, Bonhams; the Fourth District shall be composed of the following beats as now constituted or as the boundaries thereof may be hereafter changed according to law: Lower Peach Tree, Bethel, Clifton; the Fifth District shall be composed of the following beats as now constituted or as the same may be hereafter changed in boundaries according to law: Prairie Bluff, Boiling Springs, Rehoboth, Gees Bend. The members of the Board of Revenue shall be at the time of their election and during their continuance in office qualified electors of Wilcox County and in addition, the member of the Board of Revenue from each District shall reside in and be a citizen of the District for which he is elected at the time of the election and during his continuance in office. The member of the Board of Revenue

from each District shall be elected by the qualified voters of each District. The President of the Board of Revenue shall be elected by the Board of Revenue from its membership at a meeting to be held on the first Monday after the second Tuesday in January 1941 and shall hold the office of President for four years and until his successor is elected and qualified.

Section 3. That the Board of Revenue shall have the power and authority to direct and control the property of Wilcox County as it may deem expedient according to law, and to levy a tax for general purposes and special taxes for particular county purposes, according to the laws of Alabama; to examine, settle and allow accounts and claims chargeable against the county; audit and settle the accounts of all officers having the care, management, collection or disbursement of money belonging to the county or appropriated to its use and benefit, and may have the books of said officers audited or examined by accountants when it deems same necessary; to regulate and control the purchase of stationery, supplies, office furniture, fixtures, typewriters, records, and books for county purposes; to provide for the purchase and payment out of the county funds of the necessary stationery, office furniture, fixtures, typewriters, books records, supplies and postage for the use of said Board of Revenue in the conduct of its official business; to employ janitors and other help to care for, look after and protect the Courthouse and the various offices therein as well as Court House Square; to provide heat, lights, and water for the use of the Court House and jail and to keep the same clean comfortable and in a sanitary condition; to have telephones installed in the Court House for County business and to pay for the necessary telephone and telegraph messages, to pay the premium on the bonds of all county officials; and the sole right and authority to bind the county on any contract for the payment of money and the sole right and authority to pay debt due the county on any existing lawful contract.

Section 4. That said Board of Revenue shall have all jurisdiction and power which are now or may hereafter by law vested in the courts of county commissioners of this State and by any special law now vested in the court of county commissioners of Wilcox County, and the several members of the said Board of Revenue shall perform all the duties and services, and exercises all the powers which are or may be required by law of the several members of the Court of County Commissioners.

Section 5. That all General Laws hereafter in relation to the jurisdiction, powers, authority or duties of the county commissioners shall apply to and govern the Board of Revenue of Wilcox County.

Section 6. That the President of said Board of Revenue shall be its presiding officer, and shall sign the minutes of the proceedings of the Board of Revenue, and shall be a member thereof and shall have the rights, privileges, powers and authority, and perform the same duties as the other members thereof, and shall sign all warrants drawn on the County Treasury, and all orders for the payment or disbursement of money or funds of the County, and shall sign all contracts entered into by the Board of Revenue of Wilcox County. It shall be his duty to prepare the order of business and obtain information for the sessions of the Board of Revenue and to see that all orders thereof are properly executed. He shall in addition perform all the duties now required of the Probate Judge as to matters coming before the Court of County Commissioners. In event the president of said Board of Revenue shall, for any cause, be absent from any session of said Board of Revenue the other members present thereat shall, by a majority vote, which shall be spread upon the minutes of such session of said Board, elect one of the members of said Board of Revenue a president protem, who shall preside over such session, sign the minutes of the proceedings of such session of said Board of Revenue and shall have the same rights, privileges, powers and authority and perform the same duties as the president of said Board of Revenue is authorized to perform when personally present and presiding over

said session, and shall sign all warrants drawn on the County Treasury and all orders for the payment or distribution of money or funds of the County authorized at such session wherein he shall act as president pro tem, and shall sign all contracts entered into by the Board of Revenue of Wilcox County authorized at the session over which he shall preside; and such president pro tem shall perform all acts and duties at the session over which he so presides as would devolve upon the president of said Board of Revenue if he were present.

Section 7. That the Judge of Probate of Wilcox County shall be Clerk of the Board of Revenue of Wilcox County, and the Board of Revenue shall fix his compensation, and it shall be the duty of the Clerk of the Board of Revenue to attend the meetings thereof and issue all notices required by it. The Clerk shall, under the direction of said Board of Revenue keep the minutes and records of the proceedings thereof, in well bound volumes provided for that purpose, said records to be kept in the office of the Judge of Probate of Wilcox County, and to be open at all reasonable hours to the inspection of the citizens of the County and other interested persons; and the Clerk shall perform such other duties and matters as may be required of him by said Board of Revenue. The term of office of the Clerk of said Board of Revenue shall be the same as the term of office of the members of the Board of Revenue.

Section 8. That said Board of Revenue shall hold sessions on the first Tuesday of each month of every year and may continue in session as long as it deems necessary to conduct the business of the county, and may hold special sessions at any time upon the call of the President or three members of the Board of Revenue, entered in writing on the minutes of said Board of Revenue. The sessions of said Board of Revenue shall be held at the Court House of said County.

Section 9. That the Board of Revenue shall keep a correct register of all claims presented against the county showing the name of the claimant, and nature and amount of the claim, and the action of the Board of Revenue thereon, and keep a stub of every warrant or order for the payment of money out of the County Treasury, and these records, together with the minutes of the proceedings and all papers of the Board of Revenue shall be public records open to the inspection of the public at reasonable hours, when the same are not being used by the Board of Revenue or under its direction.

Section 10. That the members of said Board of Revenue shall each be entitled to Three Dollars per day for each day of actual service rendered, five cents per mile and ferriage or bridge toll for traveling to and from the sittings of said Board of Revenue, and to and from the place where any service is rendered by them, said service not to exceed 10 days in any one month, to be paid out of the county treasury on certificates or warrants signed by the president of the Board of Revenue.

Section 11. That before entering upon the discharge of his duties the President of said Board of Revenue shall give a good and sufficient bond, with good and sufficient surety, payable to the County of Wilcox in the penal sum of \$3,000.00 to be filed with and approved by the Judge of Probate of Wilcox County, with conditions faithfully to discharge the duties of such office during the time he continues therein or discharges any of the duties thereof, and all premiums on his bond shall be paid out of the county treasury on certificates or warrants signed by the President of the Board of Revenue.

Section 12. That in case of a vacancy in said Board of Revenue, it shall be filled by appointment by the Governor of Alabama, and the person so appointed shall hold office for the remainder of the term of the member of the Board of Revenue in whose place he is appointed.

Section 13. That three members of said Board of Revenue shall constitute a quorum for the transaction of business.

Section 14. That if any section paragraph, portion or provision of this Act shall be declared unconstitutional or void for any reason, it shall not affect the validity of the remaining paragraphs, sections, provisions or portions.

Section 15. That all laws and parts of laws, general local or special, in conflict with the provisions of this Act be and the same are hereby repealed.

Section 16. That the Court of County Commissioners of Wilcox County, as the same now exists, shall be abolished on the first Monday after the second Tuesday in January, 1941.

Section 17. That this Act shall take effect on the first Monday after the second Tuesday in January, 1941.

PROOF OF PUBLICATION

Personally came before me, Gussie Jones, a Notary Public in said County and State C. M. Watts, who being by me first duly sworn, states on oath that is is publisher of Wilcox Progressive Era, a newspaper published in Camden, in said County and State, and that the publication of the notice, a copy of which is hereto attached, has been in said paper 4 times as follows:

Beginning in Vol. 58, No. 48, on the 3 day of Dec. 1936, Ending in Vol. 58, No. 51 on the 24 day of Dec., 1936.

C. M. Watts.

Sworn to and subscribed before me, this the 1 day of Jan., 1937.

(Seal)

Gussie Jones,
Notary Public.

Also:

By Mr. Henson:

H. 230. To amend Section Two (2) of an Act approved May 28, 1931 entitled 'An Act to preserve the commissioners' districts of Washington County, Alabama as now fixed by law, or as may be hereafter prescribed; to make the commissioners now holding office in each district, and the Judge of Probate of said county, a board of road supervisors, in addition to their duties and to fix their salaries; to repeal an act approved August 20, 1927 of the Local Acts of 1927 as found on page 234 thereof, and to provide for the expenses of said road supervisors."

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that a bill will be introduced at the extraordinary session of the Legislature of Alabama, which was convened on November 23rd, 1936, substantially as follows, to-wit:

A BILL TO BE ENTITLED AN ACT

To amend Section Two (2) of an Act approved May 28, 1931 entitled, 'An Act to preserve the Commissioners' districts of Washington County, Alabama, as now fixed by law, or as may be hereafter prescribed; to make the

commissioners now holding office in each district, and the Judge of Probate of said County, a Board of Road Supervisors, in addition to their duties and to fix their salaries; and to repeal an Act approved August 20, 1927 of the Local Acts of 1927 as found on page 234 thereof, and to provide for the expense of said road supervisors."

Be it enacted by the Legislature of Alabama that Section Two (2) of an Act entitled, 'An Act to preserve the commissioners' districts of Washington County, Alabama, as now fixed by law, or as may be hereafter prescribed; to make the commissioners now holding office in each district and the Judge of Probate of said County a Board of Road Supervisors, in addition to their duties, and to fix their salaries; and to repeal an Act approved August 20, 1927 of the Local Acts of 1927, as found on page 34 thereof.

Be and the same hereby is amended so as to read as follows:

Section 1. (Sec. 2) That the Commissioners from each of the said districts, and the Probate Judge of said County, in addition to their duties as a Court of County Commissioners, shall be and constitute a Board of Road Supervisors, and for their services as such Road Supervisors, each Commissioner shall receive in addition to the per diem and mileage provided by law for County Commissioners the additional sum of Seventy-five and no hundred (\$75.00) Dollars per month, and also an additional sum of Twenty-five and no one hundreds (\$25.00) Dollars per month for the use of his personally owned automobile, provided he uses the same in the discharge of his duties as such Road Supervisor; and the Judge of Probate shall receive for his services as a member of the Board of Supervisors, in addition to the per diem provided by law for County Commissioners, the additional sum of fifty and no one hundreds (\$50.00) Dollars per month, payable out of the County Treasury of Washington County, Alabama, by a warrant drawn by the Judge of Probate on the order of the Court of County Commissioners, who are also road supervisors, which salary as above provided for the Judge of Probate shall be in lieu of the ex-officio Road Services as is now provided by Section 7285 of the Alabama Code of 1923.

Section 2. Be it further enacted by the Legislature of Alabama that all laws and parts of laws in conflict with this Act be, and the same hereby are repealed.

Section 3. Be it further enacted by the Legislature of Alabama that this Act shall take effect immediately upon its passage and approval.

STATE OF ALABAMA WASHINGTON COUNTY.

I, Matt L. Blount, Editor of The Washington County News, a newspaper published at Chatom, Washington County, Alabama, do hereby certify that a copy of the notice as per clipping hereto attached, was published weekly in the regular and entire issue of said newspaper, and not any supplement thereof, for 4 consecutive weeks, commencing with the issue dated Dec. 3, 1936, and ending with the issue dated Dec. 24, 1936. I further certify that I have the right and authority to make this affidavit.

MATT L. BLOUNT.

Sworn to and subscribed before me on this, the 28 day of December, 1936.

JANICE W. BLOUNT,
Notary Public, Washington County, Alabama.

Also:

By Mr. Arnold:

H. 116. To repeal an act entitled "An Act to provide for the setting of non-jury civil cases in Judicial Circuits which now have

or may hereafter have ten or more circuit judges", approved July 20th, 1931.

Also:

By Mr. Arnold:

H. 114. To amend section 6699 of the Code of Alabama.

Also:

By Mr. Taylor:

H. 170. For the relief of Harold E. Booth by authorizing and requiring the Board of Revenue and Road Commissioners of Mobile County, Alabama, to issue to him a warrant for Sixteen Hundred Fifty-Three & 35/100 (\$1,653.35) Dollars, in payment for oyster shells furnished by him and used on a public road in said County, and directing and requiring the Treasurer of said County to pay such warrant.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given of intention to apply to the special session of the Legislature which convenes November 23, 1936, for passage of following Act:

A BILL TO BE ENTITLED AN ACT

For the relief of Harold E. Booth by authorizing and requiring the Board of Revenue and Road Commissioners of Mobile County, Alabama, to issue to him a warrant for Sixteen Hundred, Fifty-Three & 35/100 Dollars (\$1,653.35), with interest from May 8, 1929, in payment for oyster shells furnished by him and used on a public road in said County, and directing and requiring the Treasurer of said County to pay such warrant.

Section 1. Be it Enacted by the Legislature of Alabama, that the Board of Revenue and Road Commissioners of Mobile County be and is hereby authorized and required to issue to Harold E. Booth a warrant in his favor in the sum of Sixteen Hundred Fifty-Three & 35/100 Dollars (\$1,653.35), with interest from May 8, 1929, in payment for oyster shells furnished by said Booth and used on a public road in said County.

Section 2. That the County Treasurer of Mobile County, Alabama, be and is hereby directed to pay said warrant out of the General Funds of said County.

HAROLD E. BOOTH.

THE STATE OF ALABAMA,
MOBILE COUNTY.

Personally appeared before me E. J. Huet, Ex-officio Clerk of Inferior Civil Court of Mobile of Mobile County, Ala., J. H. Moorman, who being first duly sworn, states that he is the Clerk of the Citronelle Call and that the annexed publication has been regularly made once a week for four consecutive weeks, to-wit: On Nov. 19th, 26th, Dec. 3 and 10, 1936 in Volume

XL, issue 46-47-48 and 49 respectively, of the Citronelle Call, a newspaper published in the City and County of Mobile, Alabama.

J. H. MOORMAN,
Clerk for The Citronelle Call.

Sworn to and subscribed before me this 15th day of December, 1936.
(Seal) E. J. HUET,

Ex-officio Clerk Inferior Civil Court of Mobile.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read one time at length and referred to appropriate Standing Committees as follows:

House Bills 189, 187, 186, 188, 225, 200, 197, 201, 202, 199, 217, 209, 227, 212, 211, 210, 213, 216, 230, 116, 170—To the Committee on Local Legislation.

H. 222—To the Committee on Finance and Taxation.

H. 114—To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Boswell:

H. 34. To amend Section 338 and 344 of an act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read one time at length and referred to appropriate Standing Committee as follows:

H. 34—To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Almon:

H. 64. To submit to the qualified electors of Alabama an amendment to the Constitution of Alabama authorizing Morgan County to increase its indebtedness in a sum not exceeding \$115,000.00, in addition to that now authorized, for the purpose of acquiring and paying for additional real property adjoining that where the court house and jail now set, and constructing and equipping a jail building in said county authorizing the issuance and sale of bonds therefor; authorizing the levy and collection of taxes on all taxable property in Morgan County, Alabama, at a rate not to exceed one mill to pay said indebtedness; to provide that said levy and collection of taxes for said purpose shall not be continued for a period of more than fifteen years from the date of the levy thereof.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read one time at length and referred to appropriate Standing Committee as follows:

H. 64—To the Committee on Constitution and Constitutional Revision and Amendments.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Almon:

H. 219. To repeal an Act entitled An Act to regulate the business of money brokers and persons who lend money for themselves or others on bill of sale, notes or mortgages on personal property or other personal security, in Jefferson, Morgan, Walker and Etowah Counties.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF PROPOSED LOCAL ACT.

Notice is hereby given that there will be introduced in the present session of the Legislature of Alabama a bill in words and figures as follows, which bill the Legislature will be requested to pass:

A BILL

To repeal an act entitled An Act to regulate the business of money brokers and persons who lend money for themselves or others on bills of sale, notes or mortgages on personal property or other personal security, in Jefferson, Morgan, Walker and Etowah Counties.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That an act entitled An Act to regulate the business of money brokers and persons who lend money for themselves or others on bills of sale, notes, mortgages on personal property, or other personal security, in Jefferson, Morgan, Walker and Etowah Counties, approved March the 9th, 1901, be, and the same is hereby repealed in so far as it applies to Morgan County, Alabama.

Section 2. The provisions of this act shall take effect immediately upon approval by the Governor.

T. C. Almon,

Member of the Legislature,
Morgan County, Alabama.

Nov. 28, Dec. 5-12-19.

STATE OF ALABAMA, }
MORGAN COUNTY. }

Before me, T. C. Almon, a Notary Public in and for said state and county, personally appeared R. T. Sheppard, known to me to be the business manager of The Decatur Daily, a daily newspaper published at Decatur, Morgan County, Alabama, who, after being duly sworn by me, deposes and says that the attached Notice of Proposed Local Act is a true and correct copy of the notice which was published in said newspaper for four consecutive weeks, on to-wit: Nov. 28, Dec. 5-12-19, 1936.

(Signed) R. T. Sheppard
Business Manager, Decatur Daily.

Sworn to and subscribed before me, this the 19th day of Dec. 1936.

(Signed) T. C. Almon.
Notary Public.

Also:

By Mr. Almon:

H. 218. To define and prescribe the powers, authorities and duties of the Solicitor of the Morgan County Court of Morgan County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF PROPOSED LOCAL ACT.

Notice is hereby given that there will be introduced in the present extra session of the Legislature of Alabama a bill in words and figures as follows: which bill the Legislature will be requested to pass:

A BILL

To be entitled an act to define and prescribe the powers, authorities and duties of the Solicitor of the Morgan County Court of Morgan County, Alabama.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the Solicitor of the Morgan County Court of Morgan County, Alabama, be and he is hereby empowered and required to exercise, perform and discharge the following duties:

a—To attend all the grand juries in Morgan County, Alabama, and advise them in relation to matters of law, and examine and swear witnesses before them;

b—To draw up indictments and to prosecute and assist in the prosecution of all indictable offenses, in the Morgan County Court and in the Circuit Court held for Morgan County, Alabama;

c—To prosecute or defend any civil action in the courts of Morgan County, Alabama, in the prosecution or defense of which the state or county is interested;

d—To perform such other duties as are or may be required by law of the Deputy Circuit Solicitor of Morgan County, Alabama.

Section 2. That this act shall go into effect immediately upon its approval by the Governor.

T. C. Almon,
Member of the Legislature,
Morgan County.

STATE OF ALABAMA, }
MORGAN COUNTY, }

Before me, T. C. Almon, a Notary Public in and for said state and county, personally appeared R. T. Sheppard, known to me to be the business manager of The Decatur Daily, a daily newspaper published at Decatur, Morgan County, Alabama, who, after being duly sworn by me, deposes and says that the attached Notice of Proposed Local Act is a true and correct copy of the notice which was published in said newspaper for four consecutive weeks, on to-wit: Nov. 28, Dec. 5-12-19, 1936.

(Signed) R. T. Sheppard
Business Manager, Decatur Daily

Sworn to and subscribed before me, this the 19th day of Dec. 1936.

(Signed) T. C. Almon,
Notary Public.

Also:

By Mr. Almon:

H. 221. To require the treasurer or other legal custodian of the funds of Morgan County, Alabama, to set aside out of the excise tax on gasoline or other liquid motor fuels collected by the State of Alabama and paid to the County of Morgan usually known and called a gasoline tax, each month, the sum of \$1500.00 as a sinking fund for the retirement of the \$660,000.00 of outstanding road bonds against said county; to provide the manner of setting aside the same and requiring the governing body of the county to use said sinking fund in the purchase and retirement of said bonds, and providing the time when this act shall take effect.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF PROPOSED LOCAL ACT.

Notice is hereby given that there will be introduced in the present session of the Legislature of Alabama a bill in words and figures as follows, which bill the Legislature will be requested to pass:

A BILL

To be entitled an Act to require the treasurer or other legal custodian of the funds of Morgan County, Alabama, to set aside out of the excise tax on gasoline or other liquid motor fuels collected by the State of Alabama and paid to the County of Morgan usually known and called a gasoline tax, each month, the sum of \$1500.00 as a sinking fund for the retirement of the \$660,000.00 of outstanding road bonds against said county; to provide the manner of setting aside the same and requiring the governing body of the county to use said sinking fund in the purchase and retirement of said bonds, and providing the time when this act shall take effect.

Be it enacted by the Legislature of Alabama:

Section 1. That on the receipt of the excise tax on gasoline or other liquid motor fuels paid to the County of Morgan by the State of Alabama, the said county treasurer, or other legal custodian of the funds of said county shall set apart each month the sum of \$1500.00, and the same shall be kept as a separate fund to be paid out in the retirement of the \$660,000.00 of outstanding road bonds of said county, as hereinafter provided.

Section 2. The county governing body of Morgan County, Alabama, shall, from time to time, as said fund may justify, direct the purchase and retirement before maturity of said bonds or any portion thereof, with said fund, the warrant to be drawn against said fund on order of said governing body and issued and signed by the Judge of Probate of said county or other person authorized by law to sign said warrants.

Section 3. That upon the final payment and retirement of said bonds or any refunding bonds issued by the county to refund said road bonded indebtedness, the said treasurer or other legal custodian of the funds of the county shall no longer set apart said retiring fund and all of said excise tax aforesaid shall be applied and expended in the manner now, or which may hereafter be provided by law.

Section 4. The provision of this act shall take effect on the first day of February, 1937, and all laws and parts of laws in conflict with the same are hereby repealed when this act shall take effect.

T. C. Almon.
Member of the Legislature,
Morgan County, Alabama.

STATE OF ALABAMA, {
MORGAN COUNTY, }

Before me, T. C. Almon, A Notary Public in and for said state and county, personally appeared R. T. Sheppard, known to me to be the business manager of The Decatur Daily, a daily newspaper published at Decatur, Morgan County, Alabama, who, after being duly sworn by me, deposes and says that the attached notice of Proposed Local Act is a true and correct copy of the notice which was published in said newspaper for four consecutive weeks, on to-wit: Nov. 28, Dec. 5-12-19, 1936.

(Signed)

R. T. Sheppard
Business Manager, Decatur Daily.

Sworn to and subscribed before me, this the 19th day of Dec. 1936.

(Signed)

T. C. Almon.

Notary Public.

Also:

By Mr. Almon:

H. 220. For the relief of Howard Shoemaker and to appropriate for the use of the said Howard Shoemaker the sum of \$1000.-00 from the general fund of Morgan County, Alabama, for the loss of his right eye while employed by the County of Morgan in road repair work on November 16, 1934, and to direct how the same shall be paid.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF PROPOSED LOCAL ACT.

Notice is hereby given that there will be introduced in the present session of the Legislature of Alabama an act in words and figures as follows, which act the Legislature will be requested to pass:

AN ACT

For the relief of Howard Shoemaker and to appropriate for the use of the said Howard Shoemaker the sum of \$1000.00 from the general fund of Morgan County, Alabama, for the loss of his right eye while employed by the County of Morgan in road repair work on November 16, 1934, and to direct how the same shall be paid.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That there is hereby appropriated the sum of \$1000.00 out of the general fund of Morgan County, Alabama, not otherwise appropriated for the relief of Howard Shoemaker on account of the loss of his right eye while employed in a rock pit in Morgan County, Alabama, taking the rock from the pit to repair roads in Morgan County, Alabama, on November 16, 1934. Said Howard Shoemaker being employed by Morgan County and the loss of his eye being occasioned by the explosion of dynamite by a fellow employee.

Section 2. Upon the approval of this act by the Governor, the governing body of Morgan County, Alabama, shall draw a warrant on the general funds of Morgan County, Alabama, said warrant to be signed by the Judge of Probate or other officer authorized to sign such warrant in the sum of \$1000.00, and payable to Howard Shoemaker.

Section 3. The county depository or other custodian of the funds of Morgan County, Alabama, is authorized and directed to pay said warrant to Howard Shoemaker upon due presentation.

T. C. Almon.

Member of the Legislature,
Morgan County, Alabama.

STATE OF ALABAMA, }
MORGAN COUNTY. }

Before me, T. C. Almon, a Notary Public in and for said state and county, personally appeared R. T. Sheppard, known to me to be the business man-

ager of The Decatur Daily, a daily newspaper published at Decatur, Morgan County, Alabama, who, after being duly sworn by me, deposes and says that the attached Notice of Proposed Local Act is a true and correct copy of the notice which was published in said newspaper for four consecutive weeks, on to-wit: Nov. 28, Dec. 5-12-19, 1936.

(Signed) R. T. Sheppard
Business Manager, Decatur Daily.

Sworn to and subscribed before me, this the 19th day of Dec. 1936.
(Signed) T. C. Almon.

Notary Public.

Also:

By Mr. Almon:

H. 224. To provide for an election to submit to the qualified electors of Morgan County, Alabama, for their approval or rejection a proposal to issue bonds in an amount not exceeding \$115,000.00 for the purpose of acquiring and paying for additional real property (Block 387 according to plan of Decatur, Alabama) adjoining that where the court house and jail now set, and for the constructing and equipping of a jail building for said county and to levy and collect taxes on all taxable property in said county at a rate not exceeding one mill to provide a fund for the payment of said indebtedness and interest thereon, and to provide for the issuance of said bonds and the levy of said tax over a period not exceeding fifteen years in the event the said proposal is approved by the majority voting in said election; and to provide for the construction and equipping of said jail building.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF PROPOSED LOCAL ACT.

Notice is hereby given that there will be introduced in the present extra session of the Legislature of Alabama a bill in words and figures as follows, which bill the Legislature will be requested to pass:

A BILL

To be entitled an act to provide for an election to submit to the qualified electors of Morgan County, Alabama, for their approval or rejection a proposal to issue bonds in an amount not exceeding \$115,000.00 for the purpose of acquiring and paying for additional real property (Block 387 according to plan of Decatur, Alabama) adjoining that where the court house and jail now set, and for the constructing and equipping of a jail building for said county and to levy and collect taxes on all taxable property in said county at a rate not exceeding one mill to provide a fund for the payment of said indebtedness and interest thereon, and to provide for the issuance of said bonds and the levy of said tax over a period not exceeding fifteen years in the event the said proposal is approved by the majority voting in said election; and to provide for the construction and equipping of said jail building.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. That the governing body of Morgan County, Alabama, be and it is hereby empowered, authorized and directed to order an election as hereinafter provided, to submit to the qualified electors of said county a proposal to authorize said county to issue bonds in a sum not exceeding \$115,000.00 for the purpose of acquiring and paying for additional real property (Block 387 according to plan of Decatur, Alabama) adjoining that where the court house and jail now set and for the construction and equipping of a jail building and to levy and collect over a period not exceeding fifteen years a tax on all taxable property in said county at a rate not exceeding one mill, to provide a fund for the payment of the principal and interest of said indebtedness.

SECTION 2. Said election shall be ordered by the county governing body not less than sixty nor more than ninety days after the adoption by a majority of the qualified electors of Alabama participating in an election held for said purpose of a proposed amendment to the Constitution of Alabama authorizing Morgan County to increase its indebtedness and to issue bonds to acquire and pay for additional real property (Block 387 according to plan of Decatur, Alabama) adjoining that where the court house and jail now set and constructing and equipping a jail building, submitted by the Legislature of Alabama at the special session of 1936, if the same be adopted.

SECTION 3. That within thirty days next preceding the adoption of said amendment to the Constitution, if adopted, said county governing body shall, in regular or special session, authorize and direct estimates of the said building, and equipment, to be made by competent architects or engineers and submit to said governing body within sixty days thereafter. Within thirty days of submission of said estimates, said county governing body shall be called in regular or special session to consider the same and shall, as soon as practicable thereafter, order an election to be held in said county to submit a proposal to acquire additional real property (Block 387 according to plan of Decatur, Alabama) adjoining that where the court house and jail now set, construct and equip said jail building, and to levy a tax for the payment of the cost thereof. Notice of the time of holding said election and the terms of the proposal to be voted on therein shall be given by publication in a newspaper published in the county once a week for four consecutive weeks. The first publication shall be not less than thirty days prior to the date fixed for said election.

SECTION 4. Said election shall be held on the day specified in said order of the county governing body and notice hereinabove provided for. The officers to conduct said election shall be selected, the result declared, and the same may be contested as is provided for in Sections 10209-10-11-12-13 of the Code of Alabama, 1923, in so far as said elections are applicable.

SECTION 5. It shall be the duty of the County governing body to prepare the ballots for use in said election which shall have printed thereon substantially the following:

"Proposal: Shall the indebtedness of Morgan County be increased by issuance and sale of bonds in the amount of not more than \$115,000.00 and said sum expended in acquiring and paying for additional real property (Block 387 according to plan of Decatur, Alabama) adjoining that where the court house and jail now set and construction and equipping of a jail building, said bonds to bear interest at a rate not exceeding 6% per annum, payable annually (or semi-annually) and to mature not later than fifteen years from issue date (or to mature not less than one-fifteenth portion thereof annually on the anniversary or issue over a period of fifteen years). The said indebtedness of not more than \$115,000.00 to be paid by the levy of a tax in addition to all the taxes now levied and collected on all taxable property situated in Morgan County of not exceeding one mill, the said

tax to be levied and collected annually over a period not exceeding fifteen years. The said property to be acquired, jail building to be completed and equipped within eighteen months of the date of the approval of its acquisition and construction by a majority of the qualified electors participating in this election. And underneath said proposal shall be the phrase "For the proposal" and "Against the proposal" and sufficient space shall be provided on said ballot for the elector to indicate by an X mark in front of said phrase his choice by making an X mark in front of the phrase "For the proposal" if in favor thereof, and by making an X mark in front of the phrase "Against the proposal" if he opposes the same.

SECTION 6. If upon a canvass of the return of said election it shall be determined that a majority of the qualified electors of the county participating therein have voted for the proposal, the county governing body shall proceed to the acquiring of said additional real property, also the construction and equipping of said jail building by advertising for bids therefor as in such cases made and provided, and shall proceed to levy a tax authorized by said election and shall continue the same for the period of years specified upon said ballot. And the said governing body shall proceed to issue and sell bonds for not more than the amount authorized by said election to finance the acquiring of said additional real property and for the construction and equipping of said jail building. In the advertising for bids for construction, contracting therefor, issuing said bonds and marketing the same, the county governing body shall be governed by the general laws and rules pertaining to said functions of such county governing body, provided however, that in no event, shall said bonds be sold for less than par value, but nothing contained herein shall be taken to prohibit the county governing body from paying the said bonds so issued to a contractor for any of the work or materials authorized hereby as a part payment upon said contract at not less than par value or at not less than the highest and best bid for said bonds, whichever sum is the greater.

SECTION 7. That all laws or parts of laws in conflict with this act be and the same are hereby repealed.

T. C. ALMON,

Member of Legislature, Morgan County, Alabama.

Nov. 28; Dec. 5-12-19.

STATE OF ALABAMA, }
MORGAN COUNTY }

Before me, T. C. Almon, a Notary Public in and for said state and county, personally appeared R. T. Sheppard, known to me to be the business manager of the Decatur Daily, a daily newspaper published at Decatur, Morgan County, Alabama, who, after being duly sworn by me, deposes and says that the attached Notice of Proposed Local Act is a true and correct copy of the notice which was published in said newspaper for four consecutive weeks, on to-wit:—Nov. 28, Dec. 5-12-19, 1936.

R. T. SHEPPARD,

Business Manager, Decatur Daily.

Sworn to and subscribed before me, this the 19th day of Dec., 1936.

T. C. ALMON,

Notary Public.

Also:

By Mr. Tolbert:

H. 229. To permit the operation of moving picture shows on Sunday in the City of Fort Payne, whether admission is charged therefor or not.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that the following bill will be introduced at the Special Session of the Legislature of Alabama for the purpose of enacting the same into law.

AN ACT

To permit the operation of moving picture shows on Sunday in the City of Fort Payne whether admission is charged therefor or not.

BE IT ENACTED by the Legislature of Alabama:

Section 1. That after the passage of this Act it shall be lawful in the City of Fort Payne, Alabama, to engage in operating moving picture shows on Sunday whether admission is charged or not.

Section 2. All laws or parts of laws, general, local or special in conflict with this Act, be and the same are hereby expressly repealed.

Section 3. This Act shall take effect immediately upon its passage and approval by the Governor.

STATE OF ALABAMA DEKALB COUNTY

Personally appeared before the undersigned, a Notary Public, in and for said County and State, E. O. Davidson, Publisher of The Fort Payne Journal a newspaper published in said County, who after first being duly sworn, states on oath, that the advertisement a true copy of which is hereto attached, was published in said newspaper in the issues of November 18, November 25, December 2 and December 9, 1936.

(Signed) E. O. DAVIDSON,
Publisher.

Sworn to and subscribed before me this 9th day of December, 1936.
(Seal)

(Signed) W. M. BECK,
Notary Public.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read one time at length and referred to appropriate Standing Committees as follows:

House Bills 219, 218, 220, 224, 229—To the Committee on Local Legislation.

H. 221—To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

S. 58. To provide a fund for the support of a law library for the Circuit Court of Calhoun County, Alabama, without appropriation from the State or County Treasury by the assessment and collection of court cost in all suits, actions and proceedings hereafter filed or brought to said court, and provide for the regulation and control of said fund.

Also:

S. 62. To amend Section 7 of Act entitled, "An Act creating and establishing Juvenile Courts in all counties in the State of Alabama now having or which shall hereafter have a population according to the last federal census of not less than 95,000 and not more than 175,000, defining their powers and jurisdictions and providing for the process and procedure of said courts; for the equipment of said courts, for the Judge and officers of the courts; their term of office and their salaries, and defining their duties and the payment by the board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties of all premiums that may accrue on account of the bond of the Clerk thereof; for the transportation of Probation Officers, for the service of process, including warrants and the fees thereof and the payment of said fees; for the detention of juvenile delinquents and dependents and neglected children, providing for a commission to aid in carrying out the work of the courts and prescribing its duties, and providing for appeals from any order or judgment of said courts; making it an offense for any person knowingly and wilfully to encourage, aid, abet, cause a state of delinquency or dependency of any child under sixteen years of age, or produce, promote or contribute to the conditions which render any child delinquent or dependent and providing punishment therefor; providing for the transfer of certain cases to said Juvenile Courts; providing for the apprehension of such children and persons and the commitment of children to any family, association or institution; for the transportation of such children and the payment of cost by said counties; providing for the commitment of Juvenile delinquents and dependents to any family, association of institution within the State to which they may be respectively committed and providing for the payment of the cost thereof by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties, providing for the payment by the cities or towns in which said courts are established of one-half of the expenses arising out of the operation of said Courts,

and for the protection of said children against disqualification or prejudice in other courts in the Civil Service of the State or municipality on account of any judgment or order of said court or any confession, statement, declaration or admission or silence or demeanor of said juveniles, and provide for the repeal of certain laws," approved September 9, 1927, as amended by an Act approved April 21, 1931, so as, among other things, to make the Act applicable to all counties in the State of Alabama, then having or which should thereafter have a population according to the last Federal census of not less than 100,000 nor more than 175,000, and as further amended by an Act approved April 17, 1933, and as further amended by Act approved September 13, 1935

Also:

S. 65. To amend an Act, entitled "An Act, To Abolish the office of deputy solicitor of Walker County, Alabama and to create in lieu thereof the office of County Solicitor of Walker County, Alabama, to provide for the appointment and the election of such officer by the qualified voters of said Walker County, to prescribe his powers, duties and qualifications and to provide for his compensation and the way in which same is to be paid, to fix the term of his office, to provide for the election of his successor in office and to fix the time he shall take office and to repeal all general and local laws in conflict herewith in so far as they relate to said Walker County, Alabama, approved May 23, 1931."

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MOTION TO RE-CONSIDER

Mr. Kelly moved that the Senate re-consider the vote by which the bill, as amended:

H. 44. To promote temperance and suppress the evils of intemperance; to regulate and control the manufacture, purchase, bottling, sale, distribution, transportation, handling, advertising, possession, dispensing, drinking and use of alcohol, brandy, rum, whiskey, gin, wine, beer, lager beer, ale, porter, stout, and all liquid beverages and articles containing alcohol obtained by fermentation or otherwise; to create a Department of "Alcoholic Beverage Control", and an "Alabama Beverage Control Board", and to define and provide for the functions, duties, and powers thereof; to provide for the appointment, suspension, removal, compensation, cost and expense of such Board and its members, officers, agents and employees; to provide for the manufacture,

sale and distribution of such alcoholic beverages of an alcoholic content of over twenty-four (24%) percent by volume; to provide for the levying and collecting of an excise tax on the sale and distribution within this State of malt and vinous beverages of an alcoholic content of twenty-four (24%) percent or less by volume; to provide for the sale and purchase at State Liquor Stores of alcoholic beverages of an alcoholic content in excess of twenty-four (24%) percent by volume; to authorize said Board to promulgate rules and regulations governing the manufacture, sale and possession of all such beverages within this State; to make it a misdemeanor for any person to purchase any such beverages from any person or persons, firm or corporation, except those authorized by this Act and by the Board under the provisions of this Act; to appropriate money for the administration of the Act and to provide for the disposition of the net profits collected under this Act; to provide for the confiscation and disposition of articles declared to be contraband; to impose penalties for violation of this Act; to repeal all laws and parts of laws in conflict hereto, and to provide that this Act shall constitute and be designated and cited as "The Alcoholic Beverage Control Act".

Was lost on the last Legislative day, January 8th, 1937, which motion prevailed and the Senate did re-consider said vote.

Yeas, 22; Nays, 9.

Yeas:

Messrs.:

Browder	Goldsmith	Riddle	Thomas
Carlton	Kelly	Rogers	Walton
Chesnut	Locke	St. John	Weaver
Cook	Mooneyham	Simpson	Wellborn
Dorsey	McDowell	Stephens	Woodall
Frazer	Richardson		

—22

Nays:

Messrs.:

Bonner	Parrish	Swift	Tucker
Mixon	Russell	Taylor	Walden
McConnell			

—9

PAIR ANNOUNCED

Mr. Stoddard announced that he and Mr. Kuykendall were paired on this vote; that Mr. Kuykendall, if present, would vote "no", and he, Mr. Stoddard, would vote "aye".

Mr. Kelly then moved that the Senate re-consider the vote by which the bill was ordered to a third reading and engrossment. Mr. Rogers moved that the pending motion and measure be carried over to the Fifteenth Legislative day for action, which motion pre-

vailed and the motion of Mr. Kelly to reconsider said vote was carried over to the Fifteenth Legislative day.

RECESS

At 12:45 P. M., on motion of Mr. Mooneyham, the Senate took a recess until three o'clock this afternoon.

ARTERNOON SESSION—THIRTEENTH DAY

Tuesday, January 12th, 1937.

The Senate re-assembled at 3 P. M., Lieutenant-Governor Knight presiding.

ROLL CALL

Present:

Messrs.:

Bonner
Browder
Carlton
Chesnut
Cook
Dorsey
Frazer
Kelly

Locke
Mixon
Mooneyham
McConnell
McDowell
Parrish
Richardson
Riddle

Rogers
Russell
St. John
Stephens
Stoddard
Swift
Taylor

Thomas
Tucker
Walden
Walton
Weaver
Wellborn
Woodall

—30

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Taylor:

S. 89. To prohibit owners or managers of cattle or livestock to permit such cattle or livestock to run at large upon the State or Federal Highways in this State, or highways built or maintained by the Federal Government or the State Highway Department; to fix the liability of owners or managers of cattle or livestock running at large, to provide for proceedings for the enforcement of such liability for the impoundment of cattle or livestock running at large upon the above mentioned highways of the State, to fix a penalty for the violation of said provisions, and to repeal all laws in conflict with this Act.

Committee on Public Roads and Highways.

RESOLUTIONS

The Rules Committee reported the following joint resolution:

S. J. R. 21. BE IT RESOLVED BY THE SENATE, the House concurring, that when the two houses adjourn to-day, they adjourn to meet again on Thursday, January 14, 1937 at 10 o'clock A. M.

Which was adopted.

Mr. Frazer offered the following resolution:

S. R. 22. WHEREAS, the Senate has heard with profound sorrow of the death of the brother of the Senator from Jefferson.

THEREFORE, BE IT RESOLVED that the Senate in recognition of the splendid service rendered by the Senator from Jefferson in this session of the Legislature, and the very deep affection in which he is held by the members of the Senate of Alabama, the Senate in session, extends to Senator Simpson its profound sympathy.

And on motion of Mr. Frazer, the rules were suspended and the resolution adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following:

By Mr. Hendley:

H. J. R. 33. In deference to the death of Ex Governor Charles Henderson at Troy Alabama on January 7th 1937.

Be it resolved by the house of representatives the Senate Concurring that a Committee of three members from each of the houses be appointed to attend the funeral at Troy Saturday January 9 to represent the legislature of Alabama.

And the Speaker Pro Tem has appointed as members of the Committee on the part of the House Messrs. Lee (Bullock), Shipman and Parish (Pike).

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

The above resolution was received by the Senate too late for the Senate to take any action on same.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following:

By Mr. Shipman and Mr. Parish (Pike):

H. J. R. 31—BE IT RESOLVED BY THE HOUSE, THE SENATE CONCURRING, That it is with great sorrow we have read and heard of the death of Charles Henderson, former Governor of Alabama during the years from 1915 to 1919. Alabama has lost an outstanding citizen upon whom she had worthily bestowed her highest honors. The public service and sterling character of this gentleman endeared him to our people and we voice their heart in extending sympathy to Mrs. Henderson and to his family and friends.

Prior to the time Mr. Henderson became Governor of Alabama, he was president of the Alabama Railroad Commission which later became the Alabama Public Service Commission from 1907 to 1915, where he rendered a great and deserving service to his State and people.

BE IT FURTHER RESOLVED: That we, as Representatives and Senators of the people of the whole State, extend to the bereaved family and their friends, wherever they may be, our sincerest sympathy. And that a copy of this resolution be sent to the press at Troy and a copy be spread on the Journal of this House and Senate.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

H. J. R. 31, set out in the foregoing House Message was concurred in and adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Cox:

H. 162. To provide for devices and to designate places for taking shad and/or river minnows for bait fishing.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read one time at length and referred to appropriate Standing Committee as follows:

H. 162—To the Committee on Fish and Game.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

S. 3. To amend Sections 2, 3, 4, 5, 6, 7, and 8 of an Act of the Legislature of Alabama entitled, "An Act to make appropriations to the Alabama Agricultural Experiment Station at Auburn; to the branch agricultural experiment stations located at Belle Mina in Limestone County, at Crossville in DeKalb County, at Marion Junction in Dallas County, at Headland in Henry County, and at Fairhope in Baldwin County, to the experiments fields located at various points in Alabama; to provide for the purchase of necessary land; to provide for the administration, supervision and direction of the research work carried on by the above agencies; to provide for the purchase of equipment, supplies, and for other necessary expenses involved in the conduct of agricultural researches and experiments on the main station at Auburn, on the branch stations, on the experiment fields, and in cooperation with farmers, and to provide how and from what sources said appropriations shall be derived, the distribution thereof, and the manner in which same shall be paid, Approved September 2, 1935".

Also:

S. 13. To Amend Section 1 of an Act of the Legislature of Alabama entitled, "An Act to provide for Extension Work in Agriculture and home economics by giving instructions to men, women and young people in the several counties in Alabama, by continuing and improving farm and home demonstration work, by providing for the training of men and women leaders, by organizing groups of farm people, including men, women, boys and girls, into clubs for the improvement of agriculture and farm home life, and by conducting Extension Work through other means, all with the view of making farm life more profitable and attractive; and to aid in securing for Alabama the full amounts of all Federal funds conditionally appropriated to Alabama by the Congress of the United States under an Act approved May 8, 1913, and generally known as the Smith-Lever Act for Extension work in agriculture and home

economics, and other related and supplementary acts; and to make appropriations for these purposes." (Approved September 2, 1935).

Also:

S. 14. To amend Section 5 of an Act entitled, "An Act in relation to the educational system of Alabama; to make annual appropriations and provide funds for the support, maintenance and development of public education in Alabama, for the fiscal years ending September 30, 1936, 1937, 1938 and 1939, including all schools, agencies, services and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, the Alabama School of Trades & Industries, the Alabama College, the Alabama Polytechnic Institute and the University of Alabama, (Approved September 2, 1935)."

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

BILLS ON THIRD READING

The bill:

S. 77. For the relief of William J. O'Connor as official stenographer for the State Solicitor for the Thirteenth Judicial Circuit of Alabama (Mobile County); to provide compensation for the months of June, July, August and part of September, 1935, to be paid out of the General Funds of Mobile County, Alabama; to provide for said official stenographer to draw a warrant on the Treasurer of Mobile County, Alabama, for said compensation and to direct the Treasurer of Mobile County, Alabama, to register and pay said warrant out of the County Treasury of Mobile County, Alabama, as a preferred claim.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner
Browder
Carlton
Chesnut
Dorsey
Frazer
Kelly

Locke
Mixon
Mooneyham
McConnell
McDowell
Parrish
Riddle

Rogers
Russell
St. John
Stephens
Stoddard
Swift
Taylor

Thomas
Tucker
Walden
Walton
Weaver
Wellborn
Woodall

Nays:—None.

The bill:

H. 60. To permit the playing and operating of moving picture shows on Sunday, whether admission is charged thereto or not, in all incorporated cities or towns in Counties having a population of one hundred and fifty thousand or more inhabitants according to the last or any subsequent Federal Census, and within the police jurisdiction thereof; to provide that the governing body of any such city may, by ordinance prohibit any or all of the acts herein named.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Rogers	Thomas
Browder	Mixon	Russell	Tucker
Carlton	Mooneyham	St. John	Walden
Chesnut	McConnell	Stephens	Walton
Dorsey	McDowell	Stoddard	Weaver
Frazer	Parrish	Swift	Wellborn
Kelly	Riddle	Taylor	Woodall

—28

Nays:—None.

The bill:

H. 131. To create in each city of the State of Alabama having a population of one hundred thousand or more according to the last or any subsequent Federal census a Pension and Relief Fund for all employees of such city governed under civil service rules and regulations and for certain other officers and employees of such city who may elect to come under the provisions of this act, and for the widows of such officers and employees, to provide for a custodian of said Fund and to provide for the investment, protection, management and distribution of said fund by a Board of Managers.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Rogers	Thomas
Browder	Mixon	Russell	Tucker
Carlton	Mooneyham	St. John	Walden
Chesnut	McConnell	Stephens	Walton
Dorsey	McDowell	Stoddard	Weaver
Frazer	Parrish	Swift	Wellborn
Kelly	Riddle	Taylor	Woodall

—28

Nays:—None.

The bill:

H. 160. To amend Section 2 of an Act "To further prescribe the duties of County Treasurers in Counties of more than two hundred thousand population according to the last or any subsequent preceding Federal Census; to provide for clerical assistance for such treasurers for the employment of attorneys to advise and represent such treasurers, and for the compensation of such treasurers, assistants, and attorney; and to require the deposit of county funds," approved October 31, 1921.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Rogers	Thomas
Browder	Mixon	Russell	Tucker
Carlton	Mooneyham	St. John	Walden
Chesnut	McConnell	Stephens	Walton
Dorsey	McDowell	Stoddard	Weaver
Frazer	Parrish	Swift	Wellborn
Kelly	Riddle	Taylor	Woodall

—28

Nays:—None.

The bill:

S. 78. To amend Section 1 of an act entitled "To provide for a more economical, convenient and uniform system of assessing and collecting taxes on real estate, including the enforcement of tax liens, in all Counties having a population of 110,000 or more, according to the last, or any succeeding Federal Census," so as to provide for a minimum population of not less than 200,000 people.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Rogers	Thomas
Browder	Mixon	Russell	Tucker
Carlton	Mooneyham	St. John	Walden
Chesnut	McConnell	Stephens	Walton
Dorsey	McDowell	Stoddard	Weaver
Frazer	Parrish	Swift	Wellborn
Kelly	Riddle	Taylor	Woodall

—28

Nays:—None.

The bill:

H. 151. To repeal an Act that the Legislature of 1927 authorized the County Commissioners Board of Revenue of like governing body of Jackson County, Alabama to levy and collect an excise tax on gasoline, Woco Pep or any substitute thereof not exceeding three cents per gallon, to authorize such, To provide when this Act shall go into effect court of County Commissioners or Board of Revenue or other like governing bodies of said County to provide the machinery for the collection of said tax.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Rogers	Thomas
Browder	Mixon	Russell	Tucker
Carlton	Mooneyham	St. John	Walden
Chesnut	McConnell	Stephens	Walton
Dorsey	McDowell	Stoddard	Weaver
Frazer	Parrish	Swift	Wellborn
Kelly	Riddle	Taylor	Woodall

—28

Nays:—None.

The bill:

H. 150. To require the Board of Revenue of Tallapoosa County, Alabama, or other like governing Board of said County, to pay for the publication of the notice of each and every local bill heretofore introduced at the present session of the Legislature of Alabama, or which may hereafter be introduced at the present session or any subsequent session of the Legislature of Alabama, for or which applies alone to the said County of Tallapoosa and out of any money in the Treasury of said County not otherwise appropriated; provided the notice so published is signed by one or both of the Representatives of the said County or by the State Senator from the tenth Senatorial District.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Rogers	Thomas
Browder	Mixon	Russell	Tucker
Carlton	Mooneyham	St. John	Walden
Chesnut	McConnell	Stephens	Walton
Dorsey	McDowell	Stoddard	Weaver
Frazer	Parrish	Swift	Wellborn
Kelly	Riddle	Taylor	Woodall

—28

Nays:—None.

The bill:

H. 142. To authorize, empower, and direct the City of Guntersville, Alabama, to sell and convey to the United States of America title to that certain real estate owned by the City of Guntersville, Alabama, and known as the airport property, which is described as follows, to wit: A tract of land lying in Marshall County, State of Alabama, on the right side of the Tennessee River, in Township 7 South, Range 3 East, and more particularly described as follows: the southwest quarter of the southwest quarter of Section 25 and the west half of the southeast quarter of the southwest quarter of Section 25. All of the above described land contains 70 acres, more or less; and To authorize, empower, and direct said City of Guntersville, Alabama, to make, enter into, execute, and deliver all contracts, deeds, instruments, and other documents necessary and proper to enable said City of Guntersville, Alabama, to convey satisfactory title to the United States of America; to ratify and confirm all contracts heretofore made and entered into by the said City of Guntersville, Alabama, with the United States of America and/or the Tennessee Valley Authority for the sale of said real estate; and to vacate and annul all rights of the public in and to said land.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Rogers	Thomas
Browder	Mixon	Russell	Tucker
Carlton	Mooneyham	St. John	Walden
Chesnut	McConnell	Stephens	Walton
Dorsey	McDowell	Stoddard	Weaver
Frazer	Parrish	Swift	Wellborn
Kelly	Riddle	Taylor	Woodall

—28

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Robertson (Cullman):

H. 121. To provide for and authorize the incorporation of a Water Works Board for the several cities and incorporated towns of Alabama; to provide for the powers and duties of such Water Works Board; to authorize such board, subject to the limitations herein stated, to purchase or construct a water works system, water supply systems, and all necessary equipment and appliances

incident thereto; to authorize such city or incorporated town to purchase from said Water works board a sufficient supply of water necessary to supply the inhabitants of such city or incorporated town and surrounding territory; to authorize such board to borrow money and to issue revenue bonds to secure the same, payable solely from the revenues derived from the operation of such system or systems; to regulate the issuance, sale, and refunding of such bonds and of other matters in connection therewith; to regulate the use of revenues of such system or systems when such bonds are issued or authorized; to confer on such board the right of eminent domain.

Also:

By Mr. Taylor:

H. 106. To amend Section 42 of Article IV of An Act of the Legislature of 1927 "To provide a code of laws authorizing and governing the issuance, sale, regulation, funding, refunding, paying and retiring of bonds of the counties and Municipal Corporations and to repeal Sections 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2269, 2270, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 234, 235, 236, 237, 238, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, and 266, Code of Alabama of 1923, and all other laws or parts of laws in conflict with this Act."

Also:

By Mr. McGowin:

H. 248. To amend Section 21 of the Code of Alabama of 1923.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read one time at length and referred to appropriate standing committees as follows:

H. 121—To the Committee on Municipalities.

H. 106—To the Committee on Finance and Taxation.

H. 248—To the Committee on Revision of Laws.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Hanks:

H. 242. To alter and re-arrange the Boundaries of the City of Sylacauga, Talladega County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that the following bill will be introduced at a special session of the Legislature of Alabama, called to meet on the 23rd day of November, 1936:

A BILL TO BE ENTITLED
AN ACT

To Alter and Rearrange the Boundaries of the City of Sylacauga, Talladega County, Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That the boundaries of Sylacauga, in the County of Talladega, State of Alabama, be altered and re-arranged as follows, to-wit: That there be excluded from said city limits the following property, to-wit: Beginning at the Northwest corner of the Northwest quarter of the Northwest quarter of Section 29, Township 21, Range 4 East and running in a South-easterly direction along the Eastern boundary line of the right-of-way of the Central of Georgia Railway Company until it intersects with the North boundary line of Eight Street as shown upon the map of the Marble City Land & Furnace Company of the Town of Sylacauga on record in the office of the Judge of Probate of Talladega County in Plat Book No. 1, page 34, thence West along the Northern boundary line of said Eighth Street to Western Avenue, thence West across Western Avenue and across the Southeast quarter of Northeast quarter of Section 30, Township 21, Range 4 East to the Western boundary line of said forty, thence North to the Northern boundary line of said forty, thence East along the boundary line of said forty to Western Avenue, thence North along the Western line of Western Avenue to the point of beginning. Such boundaries of said City other than changed by excluding said above described property shall remain as the present boundaries and said territory included in said City shall remain the same except the above described property is excluded therefrom.

Section 2. This Act shall take effect upon its passage and approval by the Governor.

State of Alabama, }
Talladega County. }

Before me, F. A. McWilliams, a Notary Public in and for said State and County aforesaid, personally appeared C. H. Greer, Editor and Publisher of the Sylacauga News, a weekly newspaper published at Sylacauga, Talladega County, Alabama, who, being duly sworn, deposes and says that the hereto attached notice of the proposed law set out therein was published in the

Sylacauga News as above set out once a week for four consecutive weeks as follows, to-wit: beginning November 20, 1936, and being published on such date and on November 27, December 4, and December 11th, in strict accordance with law in regard to publication of notice of the intention to introduce a local bill in the Legislature of Alabama.

CHAS. H. GREER.

Sworn to and subscribed before me this 21st day of December, 1936.

(Seal)

F. A. McWILLIAMS,
Notary Public.

Also:

By Mr. Buffington:

H. 240. To provide that, that part of the compensation allowed to the Judge of Probate of St. Clair County by Section 7285 of the Code of Alabama of 1923, which is for discharging of his duties in relation to public roads, on proof to the county commissioners that he has discharged such duties, shall be paid out of road and bridge fund, and to repeal all laws, and parts of laws, general, special and local, inconsistent with or in conflict with the provisions of this Act.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

A bill will be introduced at the present special session of the Legislature of Alabama and its passage sought, which shall be substantially as follows:

A BILL TO BE ENTITLED AN ACT

To provide that, that part of the compensation allowed to the Judge of Probate of St. Clair County by Section 7285 of the Code of Alabama of 1923, which is for discharging of his duties in relation to public roads, on proof to the county commissioners that he has discharged such duties, shall be paid out of road and bridge fund, and to repeal all laws, and parts of laws, general, special and local, inconsistent with or in conflict with or in conflict with the provisions of this Act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA: Section 1. That from and after the passage and approval of this Act, that part of the compensation allowed to the Judge of Probate of St. Clair County by Section 7285 of the Code of Alabama, 1923, which is for the discharging of his duties in relation to public roads, on proof to the county Commissioners that he has discharged such duties, shall be paid out of the road and bridge fund.

Section 2. That all laws and parts of laws, general, special and local, inconsistent with or in conflict with the provisions of this Act, be and the same are hereby expressly repealed.

Section 3. That this Act shall become effective upon its passage by the Legislature and approved by the Governor.

THE STATE OF ALABAMA }
SAINT CLAIR COUNTY }

Personally appeared before me the undersigned authority in and for said County in said State, B. B. Cather who being first duly sworn deposes and says as follows:

I am editor of The Southern Aegis, a weekly newspaper published at Ashville in St. Clair County, Alabama, and that the notice hereto attached was published in said paper for a period of four consecutive weeks on the following dates: December 11, 18, and 25, 1936 and Jan. 1, 1937.

B. B. CATHER,
Publisher of The Southern Aegis.

Sworn to and subscribed before me this the 4th day of January, 1937.

IRA DAVIS,
Notary Public.

Also:

By Mr. Buffington:

H. 239. To provide that the members of the Court of County Commissioners of St. Clair County, Alabama, shall be paid their per diem and mileage and any and all other lawful claims as is now provided, or may hereafter be provided by law, while engaged in the performance of their duties in connection with the building, construction, maintenance, repairing and/or inspecting of the public roads and/or bridges of said county; out of the Road and Bridge Fund; to further provide that the members of said Court shall continue to be paid their per diem and mileage and any and all other lawful claims as is now provided, or may hereafter be provided by law, while engaged in the performance of any and all other duties required of them as members of such Court, from the General Fund of said County, as heretofore; to authorize and require separate warrants for such per diem and mileage and any and all other lawful claims to be drawn on and paid out of the said Road and Bridge Fund, and out of the General Fund of said County respectively; and to repeal all laws and parts of laws, general, special and local; inconsistent with or in conflict with the provisions of this Act.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

A bill will be introduced at the present special session of the Legislature of Alabama, and its passage sought, which shall be substantially as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide that the members of the Court of County Commissioners of St. Clair County, Alabama, shall be paid their per diem and mileage and any and all other lawful claims as is now provided, or may hereafter be provided by law, while engaged in the performance of their duties in connection with the building, construction, maintenance, repairing and or inspecting of the public roads and, or bridges of said county: out of the road and bridge fund to further provide that the members of said Court shall continue to be paid their per diem and mileage and any and all other lawful claims as is now provided, or may hereafter be provided by law, while engaged in the performance of any and all other duties required of them as members of such Court, from the General Fund of said County, as heretofore; to authorize and require separate warrants for such per diem and mileage and any and all other lawful claims to be drawn on and paid out of the said road and bridge fund, and out of the General Fund of said County, respectively; and to repeal all laws and parts of laws, general, special and local, inconsistent with or in conflict with the provisions of this Act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That from and after the passage and approval of this Act, all members of the Court of County Commissioners of St. Clair County, Alabama, shall be paid their per diem and mileage and any and all other lawful claims, as is now provided, or may hereafter be provided by law, while engaged in the performance of their duties in connection with the building, construction and maintenance, repairing, and, or inspecting of the public roads and, or bridges of said County, from the road and bridge fund; that the members of said Court shall continue to be paid their per diem and mileage and any and all other lawful claims as is now provided, or may hereafter be provided by law, while engaged in the performance of any and all other duties required of them as members of such Court out of the General Fund of said County, as heretofore; provided that nothing in this Act shall be construed as making any change in the amount or rate of the per diem or mileage or any and all other lawful claims payable to the members of the said Court, which are now provided, or may hereafter be provided by law, which claims shall continue to be computed as is now authorized, or may hereafter be authorized by law.

Section 2. That from and after the passage and approval of this Act, each member of said Court shall present to the Court his claim or claims for per diem and mileage and any and all other lawful claims, as heretofore, but he shall so prepare said claim or claims that the Court may be able to distinguish the amount claimed for per diem and mileage and any and all other lawful claims for the performance of his duties in connection with the building construction, maintenance, repairing and, or, inspecting of the public roads and, or, bridges of said County from the amount claimed for per diem and mileage and any and all other lawful claims for the performance of any and all other duties which are required of him as a member of said Court; and upon the allowance of such claim or claims by the Court, separate warrants shall be issued to such member as other warrants are issued, one of which shall be drawn payable out of the road and bridge fund to cover the amount or amounts allowed by the Court to such member for the performance of his duties in connection with the building, construction, maintenance, repairing, and, or, inspecting of the public roads and, or bridges of said County; and the other of which shall be drawn payable out of the General Fund of the County to cover the amount or amounts allowed by the Court

to such member for the performance of any and all other duties required of him as a member of the said Court.

Section 3. That all laws and parts of laws, general, special and local, inconsistent with or in conflict with the provisions of this Act, be and the same are hereby expressly repealed.

Section 4. That this Act shall become effective upon its passage by the Legislature and approval by the Governor.

THE STATE OF ALABAMA }
SAINT CLAIR COUNTY }

Personally appeared before me the undersigned authority in and for said County in said State, B. B. Cather who being first duly sworn deposes and says as follows:

I am editor of the Southern Aegis, a weekly newspaper published at Ashville in St. Clair County, Alabama, and that the notice hereto attached was published in said paper for a period of four consecutive weeks on the following dates: December 11, 18, and 25, 1936 and January 1, 1937.

B. B. CATHER,
Publisher of The Southern Aegis.

Sworn to and subscribed before me this the 4th day of January, 1937.

IRA DAVIS
Notary Public.

Also:

By Mr. Owen (Etowah):

H. 223. To supplement the salaries of the Circuit Judges in Alabama in all Judicial Circuits that now is or may hereafter be composed of only three Counties, one of which such Counties is now or may hereafter be divided into two jurisdictions with the holding of the Circuit Court in each jurisdiction of such County so divided, and said Circuit having only two judges, and to provide for the payment of such Judges supplemental salaries.

Also:

By Mr. Todd:

H. 175. To repeal an Act entitled "An Act to regulate the occupation and practice of Cosmetology in all Counties of the State of Alabama now having or which may hereafter have a population of 400,000 or more according to the last or any subsequent Federal census; to establish a Board of Cosmetological Examiners in each of such counties; to define the duties of such Boards, the election of officers, etc., and their duties, provide for the salary of such Boards and the employees of such Boards, to define what shall constitute the practice of Cosmetology in such counties to set up qualifications for apprentices or students in such counties and for admission to practice Cosmetology; to provide for issuance of certificates of registration for shops and schools in such counties; to provide requirements of shops and schools teaching Cosmetology

in such counties, provide for the refusal or revocation of certificates of registration in such counties, the requirement of renewal of registration and license in such counties and penalties for the violation of this Act" which became a law July 23rd, 1931, and as amended March 31, 1936.

Also:

By Mr. Bateman:

H. 192. To authorize the Elmore County Board of Education, or other governing body having control of Elmore County's public school funds, at its discretion, to retire with pay, any teacher who is seventy-four years of age, or over, and who has taught school in said county for at least twenty-two consecutive years, or more, next preceding January 1st, 1937, and providing that said retirement pay shall not exceed Six Hundred Dollars per annum, and to further provide for manner of payment.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that at the present special term of the Legislature of Alabama, a bill will be introduced and passage thereof sought, giving to the Elmore County Board of Education, or other governing body having control of Elmore County Public School Funds, authority, at its discretion, to retire, with pay, any teacher who is seventy-four years of age, or over, and who has taught school in Elmore County for at least twenty-two consecutive years or more next preceding January 1, 1937. Provided that said retirement pay shall not exceed Six Hundred Dollars per annum.

The State of Alabama,
Elmore County.

Before me the undersigned authority personally appeared W. W. Bateman, who by me first being duly sworn deposes and says that he is the Publisher of The Wetumpka Herald, a weekly newspaper published at Wetumpka, in Elmore County, Alabama, and that the attached notice of Proposed Bill was published in said newspaper for 4 successive weeks to-wit: Dec. 10, Dec. 17, Dec. 24 and Dec. 31, 1936.

W. W. Bateman,
Publisher, The Wetumpka Herald.

Sworn to and subscribed before me this the 5 day of January, 1937.

C. T. Remus,
Notary Public.

Also:

By Mr. Doster:

H. 247. To amend an Act, entitled An Act to establish the Inferior Court of Autauga County, Alabama, in lieu of all Justices of the Peace and Notaries Republic Ex-Officio Justices of the

Peace, in Prattville Precinct, or Precinct No. 1, of Autauga County, Alabama; to define the jurisdiction and powers of said Court and the Judge thereof, and other officers of said Court, and the manner of their appointment or election, the payment of their salaries, approved September 26, 1923, as appears in Local Acts, 1923 at pages 224 et seq., as amended by an Act approved June 27, 1935, as the same appears in Local Acts, 1935 at pages 82 et seq., and that Sections 7 and 8 of the Act approved June 27, 1935, be and are hereby amended to read as follows:

With notice and proof thereto attached and herewith exhibited as follows:

AN ACT

Notice is hereby given of the intention to introduce and seek passage in the present extraordinary session of the Legislature of Alabama, which is in substance as follows:

An Act to amend an act of the Legislature, approved June 27th, 1935:

Section 7: The solicitor of said Court shall be appointed by the Circuit Solicitor of the Circuit of which Autauga County is a part, and shall hold office at the will of the Circuit Solicitor. And the Solicitor of said Court shall prosecute in all criminal cases in said court, and shall perform all such other duties as are required of County, or Deputy Solicitors, in counties in which the County Court has not been abolished, and shall represent Autauga County in all matters when requested by the Board of Revenue to do so.

Section 8: That the said Solicitor of said county shall receive as compensation for his services the sum of Nine Hundred Dollars per annum, payable in twelve monthly installments of Seventy-Five dollars each, payable on the first day of each month on and after the passage of this Act, and payable out of the General Fund of Autauga County, Alabama, upon warrant drawn by the Probate Judge of the County Treasurer, or Custodian.

STATE OF ALABAMA, AUTAUGA COUNTY

Before me, C. E. Alexander, a Notary Public in and for said County and State, personally appeared Harry M. Doster, known to me to be the Publisher of The Prattville Progress, a newspaper published in said County and State, who certifies that the notice, copy of which is hereto attached, was published in said paper, once a week for four successive weeks, viz: Dec. 10, 1936, Dec. 17, 1936, Dec. 24, 1936, Dec. 31, 1936.

HARRY M. DOSTER, Publisher.

Sworn to and subscribed before me, this 7th day of Jan., 1937.

(Seal) C. E. ALEXANDER,
Notary Public.

Also:

By Mr. Todd (by request):

H. 141. To amend and revise an Act entitled "An Act to amend Sections I, II, III, IV, V, VI, VII, VIII, IX, X, XI, and XII, of an Act entitled 'An Act to regulate the occupation and practice of Cosmetology in all Counties of the State of Alabama now having

or which may hereafter have a population of 400,000 or more according to the last or any subsequent Federal census; to establish a Board of Cosmetological Examiners in each of such Counties; to define the duties of such Boards, the election of officers, etc. and their duties; provide for the salaries of such Boards and the employees of such Boards, to define what shall constitute the practice of Cosmetology in such Counties; to set up qualifications for apprentices or students in such Counties and for admission to practice Cosmetology; to provide for issuance of certificates of registration for shops and schools in such Counties; to provide requirements of shops and schools teaching Cosmetology in such Counties, provide for the refusal or revocation of certificates of registration in such Counties, the requirements of renewal of registration and licenses in such Counties and penalties for the violation of this Act, which became a law July 23rd, 1931,' approved March 31st, 1936," and to repeal Section XII thereof; to provide for the payment and levy of licenses; and to provide penalties for the violation of this Act.

Also:

By Mr. Byars:

H. 249. To repeal an Act entitled "An Act to provide that certain officers of Lawrence County, Alabama, shall each receive an increase in pay, as follows: The members of the Board of Revenue shall each receive Four Dollars (\$4.00) per day instead of Three Dollars per day for service rendered, to be paid from the general fund of the County." approved April 21, 1936; and to provide that the compensation of the members of the Court of County Commissioners or Board of Revenue or like governing body of Lawrence County, Alabama, or by whatever name called, be in the same amounts as is fixed by the general law of the State of Alabama for the compensation of the members of the Courts of County Commissioners or Boards of Revenue of the several counties of the State; and to provide that the compensation of said members, as herein fixed, may be paid out of the Gasoline Excise Tax levied by the State of Alabama accruing to Lawrence County, Alabama; and to repeal all laws and parts of laws, general, special or local, in conflict herewith; and to provide that if any clause, part or section of this Act shall be held invalid, the remainder of the same shall be in full force and effect.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that a bill will be introduced at the present Special Session of the Legislature of Alabama to repeal an Act entitled: "An Act

to provide that certain officers of Lawrence County, Alabama, shall receive an increase in pay as follows: The members of the Board of Revenue shall each receive four dollars per day for service rendered, to be paid from the General Fund of the County," approved April 21, 1936; and to provide that the compensation of the members of the Court of County Revenues of Lawrence County, Alabama, be in the same amounts as is fixed by the General Law of the State of Alabama for the compensation of members of the Courts of County Commissioners and Boards of Revenue of the several counties of the State; and to repeal any and all Local or Special Laws in conflict therewith; and to provide that the compensation of said members, as herein fixed, may be paid out of the Gasoline Excise Tax levied by the State accruing to Lawrence County, Alabama; and to provide that if any clause, part of section of the said Law shall be held invalid, that the remainders of the same be in full force and effect.

Moulton, Ala., Jan. 6, 1937, The State of Alabama, Lawrence County, Before me Rosa Lee Langley a Notary Public in and for said state and county, on this day personally appeared Clark Hodgins, who being sworn in due form of law says, that he is Editor of The Moulton Advertiser, a weekly news paper published in Moulton, Lawrence County, Alabama, and as such Editor he published in said newspaper the attached notice for 4 consecutive weeks beginning Nov. 26, 1936, and ending Dec. 17, 1936, as required by law.

Clark Hodgins, Editor. Sworn to and subscribed before me this the 6th day of Jan., 1937. Rosa Lee Langley, Notary Public.

Also:

By Mr. Taylor:

H. 232. To alter and re-arrange the boundaries of the city of Prichard.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that application will be made to the legislature of Alabama for the passage of a bill in substance as follows:

A BILL TO BE ENTITLED AN ACT

To alter and re-arrange the boundaries of the city of Prichard.

Be it enacted by the Legislature of Alabama:

Section 1. That the boundaries of the city of Prichard in this State be, and the same are hereby altered and re-arranged so as to include within the corporate limits of the said city of Prichard all that territory embraced within the following lines:

Begin at the intersection of the West side of College Street, if extended, and the Southern right-of-way line of the Bay Shore Railroad; thence in an Easterly direction along said Southern right-of-way line, to an intersection with the South side of Lorraine Street; thence East along the South side of Lorraine Street, and the South side of Butler Street, to the West line of Craft Highway, thence Northwardly along the West line of Craft Highway to the intersection with the North line produced of Turner Road, thence Eastwardly along the North line of Turner Road to its intersection with the

East line produced of Thompson Street, thence Southwardly along the East line of Thompson Street 798.5 feet, thence West 53 feet to the line between Sections 33 and 34, Township 3 South, Range 1 West, thence South along said line to the corner of said Sections, and from thence continue South along the East line of Section 4, Township 4 South, Range 1 West to its intersection with the North line of Sweeney's lane, thence Southwestwardly along the North line of Sweeney's lane to the intersection with the West right-of-way line of the M. & O. Railroad, thence Southwardly along said right-of-way line, 874 feet, thence South 21 degrees and 05 minutes East 137.3 feet, to a fence line, thence South 75 degrees and 40 minutes west, 1238 feet, to a point on the West side of Craft Highway, at the intersection with Conception Street Road, thence South 87 degrees and 35 minutes West 1248 feet, thence South 70 degrees and 16 minutes West 609.5 feet to the Southwest intersection of Wilson Avenue and Carpenter Street, thence Northwestwardly along the Western side of Carpenter Street, and its prolongation Northwardly, to the intersection with the North line of Sweeney's lane, thence West and Southwest along the North and Northwest side of Sweeney's lane, as the same curves to the West side of College Street, thence in a Northerly direction along the West side of College Street to its intersection with the South right-of-way line of the Bay Shore Railroad, the point of beginning.

Section 2. That the boundaries set out in Section 1 of this Act be, and the same are hereby established as the corporate limits of the said City of Prichard.

STATE OF ALABAMA }
COUNTY OF MOBILE. }

Personally appeared before me the undersigned Notary Public in and for said State and County, J. M. Will, who upon oath deposes and says that he is the Editor of the Prichard Citizen and that the Prichard Citizen is a newspaper of general circulation in Mobile County, Alabama, and the attached advertisement appeared in said newspaper in its issues of December 4th, 11th, 18th and 25th, 1936.

JOHN M. WILL.

Subscribed and sworn to me this day of, 1936.

WILLIAM M. BELSURS,
Notary Public, Mobile County, Alabama.

Also:

By Mr. Poole (Butler):

H. 241. To authorize the Court of County Commissioners of Butler County, Alabama, to allow as a claim against said County and to pay to Mrs. Isabell Black, widow and administratrix of J. W. Black, deceased the sum of \$472.70, the amount of actual damages and expenses incurred and arising out of the injuries sustained by the said J. W. Black, resulting in his death from the collapse of a bridge over a creek on a public highway in Butler County, Alabama, known as the Georgiana and Starlington road in said County, while the said J. W. Black was driving a truck across said bridge, on to-wit: the 13th day of March, 1936, which bridge and highway were at the time being maintained by said County.

With notice and proof thereto attached and herewith exhibited as follows:

Notice of Local Law

Notice is hereby given that application will be made at the present Extraordinary Session of the Legislature of Alabama for the passage of a law in substance as follows:

Be It Enacted By The Legislature of Alabama:

Section 1. That the Court of County Commissioners of Butler County, Alabama, be and they are authorized and empowered to allow as a claim against said County and pay to Mrs. Isabell Black, widow and administratrix of J. W. Black, deceased, the sum of \$728.45, being the amount of actual damages and actual expenses incurred and arising out of the injuries sustained by the said J. W. Black, resulting in his death from the collapse of a bridge over a creek on a public highway in Butler County, Alabama, known as the Georgiana and Starlington road in said County, while the said J. W. Black was driving a truck across said bridge on to wit: the 13th day of March, 1936, which bridge and highway were at the time being maintained by said County.

This 24th day of November, 1936.

Mrs. Isabell Black.

STATE OF ALABAMA, }
BUTLER COUNTY, }

Personally appeared before me, Pauline B. Fulton, a Notary Public in and for said State and County, J. G. Stanley, who being by me first duly sworn doth depose and say that he is one of the Editors of The Greenville Advocate, a weekly newspaper published in the City of Greenville, Butler County, Alabama, and that the attached legal notice was published in said The Greenville Advocate for four successive weeks, said notice having been published in the issues of November 26, and December 3rd, 10th and 17th, 1936, being numbers 8, 9, 10 and 11, respectively of volume 72.

J. G. STANLEY.

Sworn to and subscribed before me, this 4th day of January, 1937.

PAULINE B. FULTON,
Notary Public.

Also:

By Mr. McDermott:

H. 208. To amend Section 1 of an act entitled "To provide for a more economical, convenient and uniform system of assessing and collecting taxes on real estate, including the enforcement of tax liens, in all Counties having a population of 110,000 or more, according to the last, or any succeeding Federal Census," so as to provide for a minimum population of not less than 200,000 people.

Also:

By Mr. Shipman:

H. 250. To authorize and empower the Board of County Commissioners of Pike County, Alabama, to transfer and assign, sell or pledge not more than one-third (1/3) of the County's part of the Gasoline taxes now or hereafter levied by the State of Alabama and divided among the sixty-seven counties of the State, for a period not exceeding fifteen (15) years, and to authorize the issuance and sale of warrants, securities, debentures or assignments

of said taxes, and to provide for the payment of such warrants, debentures, securities or assignments out of such county's part of such gasoline taxes; and to provide for the use of such proceeds of sale of such securities in the construction, maintenance, repair surfacing, hard surfacing, or resurfacing of roads and bridges, and the matching of funds with the State of Alabama and/or the United States of America, for Highway and Bridge purposes; and to further provide for authority for the County for the deposit of such proceeds with the State of Alabama for Highway or bridge purposes.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that there will be introduced and sought to be passed at the present session of the Legislature of Alabama, which met on November 23rd, 1936, the following local bill, to-wit:

A BILL

To be entitled an Act.

To authorize and empower the Board of County Commissioner of Pike County, Alabama, to transfer and assign, sell or pledge not more than one-third (1-3) of the County's part of the Gasoline taxes now or hereafter levied by the State of Alabama and divided among the sixty-seven counties of the state, for a period not exceeding fifteen (15) years, and to authorize the issuance and sale of warrants, securities, debentures or assignments of said taxes, and to provide for the payment of such warrants, debentures, securities or assignments out of such county's part of such gasoline taxes; and to provide for the use of such proceeds of sale of such securities in the construction, maintenance, repair, surfacing, hard surfacing, or resurfacing of roads and bridges, and the matching of funds with the State of Alabama and/or the United States of America, for Highway and Bridge purposes; and to further provide for authority for the County for the deposit of such proceeds with the State of Alabama for Highway or bridge purposes.

Section One

That the Court of County Commissioners of Pike County shall have authority by resolution legally passed and adopted at any legal meeting of such Court or Board to issue County warrants, debentures, certificates, or orders, or other like forms of securities against one-third (1-3) of such county's part of the Gasoline Taxes levied by the State of Alabama and allocated or divided among the sixty-seven counties of this State herein described for a period of not more than fifteen (15) years, such securities to be in such denominations and with such maturities, and to bear such rate of interest, not exceeding five (5%) per cent per annum, as the Court of County Commissioners may determine, and said securities, when so issued may be sold at public sale, either in whole or in part as the money may be needed by such County for the purpose described in this Act, notice of such sale to be given by publication in a newspaper in said County at least twice; and in a like manner, such securities may be sold at private sale; but no notice shall be given if sold to an agency of the Federal Government and to provide further that said securities may be delivered to any contractor or material or equip-

ment man, or other persons furnishing labor, materials or supplies to Pike County for road and Bridge work described in this Act; or may be delivered to the State of Alabama.

Section Two

That said securities shall not be sold for less than par. That the general faith and credit of the County shall not be pledged to the payment of such securities, nor shall such securities be a general obligation of said County, but that the holder of said securities shall look solely for the payment of said securities to the gasoline tax herein described, and said securities and resolutions authorizing their issuance may pledge to the holder of such warrants not more than one-third (1-3) of the County's part of such gasoline tax accruing to Pike County and issuing the same for not more than fifteen (15) years; and if such warrants or securities are so issued, no part of the gasoline tax allocated to said County and so pledged and assigned to the payment of such securities or warrants shall be used for any other purpose except the payment of such warrants or securities.

Section Three

The warrants or securities issued under this Act and under the Authority of the Court of County Commissioners shall have priority over each in the order of their issuance.

Section Four

That Pike County, through its Board of County Commissioners, is hereby authorized to use such gasoline tax or the proceeds of warrants or securities issued and sold against the same for the construction, maintenance, repair, hard surfacing, surfacing or re-surfacing, grading and draining of roads, streets, bridges and causeways, and to secure right of ways in said county and to join with the State of Alabama or the United States of America or both in the above and for the payment of interest and principal of any warrant or securities issued under the authority of this Act by such County authorities.

Section Five

That all laws and parts of laws in conflict with this Act, be and the same are hereby repealed.

Section Six

That if any part, section or clause of this Act is unconstitutional, it shall not affect the remaining parts of this Act.

Section Seven

That this Act shall go into effect on its approval by the Governor.

THE STATE OF ALABAMA }
PIKE COUNTY }

Before me, Howard Johnston, a Notary Public in and for said State and County, personally appeared A. C. McKinnon, who being sworn, deposes and says on oath, that he is the Publisher of THE TROY MESSENGER, a newspaper published daily except Sunday, in the City of Troy, Pike County, Alabama, and that the foregoing attached notice of a local bill pertaining to

Pike County was published in said newspaper 4 times, the same appearing in the issues dated: December 10, 17, 24 and 31 1936.

A. C. MCKINNON,

Sworn to and subscribed before me this the 6th day of January, 1937.

HOWARD JOHNSTON,

Notary Public, Pike County, Ala.

(Seal)

Also:

By Mr. Shipman:

H. 236. To authorize, require and provide for the payment of \$1263.60 by the Treasurer of Pike County, and for the payment of \$235.18 by the Custodian of Public School Funds of Pike County, for the relief of C. B. Somerset, former tax collector of Pike County, said sums being the amounts paid by him to said Treasurer and said Custodian on charges for interest on deferred settlements for the tax years 1931, 1932 and 1933.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that at the present session of the Legislature of Alabama, which met on November 23rd, 1936, there will be introduced and sought to be passed the following local bill, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To authorize, require and provide for the payment of \$1263.60 by the Treasurer of Pike County, and for the payment of \$235.18 by the Custodian of Public School Funds of Pike County, for the relief of C. B. Somerset, former tax collector of Pike County, said sums being the amounts paid by him to said Treasurer and said Custodian on charges for interest on deferred settlements for the tax years 1931, 1932 and 1933.

Whereas, C. B. Somerset, Ex-Tax Collector of Pike County, on account of delay in making his final settlement with the County Treasurer and with the Custodian of Public School Funds for the tax years 1931, 1932 and 1933, was charged with and paid as interest on deferred payments as follows:

To County Treasurer:	
For Tax Year 1931.....	\$140.09
For Tax Year 1932.....	258.76
For Tax Year 1933.....	864.75
Total.....	\$1263.60
To Custodian of County School Funds:	
For Tax year 1931.....	\$11.74
For Tax year 1932.....	29.82
For Tax year 1933.....	193.62
Total.....	\$235.18

Whereas, this delay was occasioned through no intentional fault, but because of failure to obtain decrees for the sale of lands for the payment of said taxes; and

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following:

By Rules Committee:

S. J. R. 21. Relative to two Houses adjourning today to meet again on Thursday, January 14, 1937, at 10 o'clock A.M.

And returns same herewith to the Senate.

E. F. Taylor.
Clerk.

BILLS ON THIRD READING RESUMED

The bill:

S. 25 To propose an amendment to the Constitution of Alabama to be known as Article....., and to be in the following words and figures: "Article..... All income received and taxes collected by the state except unemployment compensation funds shall be covered into the general fund in the State Treasury and no money shall be paid out of the State Treasury except by appropriation duly made by the Legislature. If the Legislature shall for any given year appropriate more money than is available, such appropriation shall be paid ratably and proportionally, except that appropriations for payments on the public debt shall receive priority. All income and taxes now pledged by the State to the payment of specific indebtedness shall remain so pledged to the extent necessary fully to meet the maturities of such indebtedness as same accrue and current surpluses of such pledged income or tax shall become a part of the general fund in the State Treasury."

Mr. Dorsey offered the following amendment to said bill:

To amend Senate Bill No. 25 by inserting in the title thereof between the words "funds" and "shall" in line three (3) the following words "and the revenue derived from motor vehicle registration fees, licenses, gasoline taxes and other special taxes on motor vehicle owners and operators" and amend Section one thereof by inserting between the words "funds" and "shall" in line seven the following words "and the revenue derived from motor vehicle registration fees, licenses, gasoline taxes and other special taxes on motor vehicle owners and operators" and amend Section three thereof by inserting between the words "funds" and "shall" in line sixteen the following words "and the revenue derived from motor vehicle registration fees, licenses, gasoline taxes and other special taxes on motor vehicle owners and operators."

Mr. Frazer moved to table the amendment offered by Mr. Dorsey to said bill, which motion was lost and the Senate refused to table said amendment.

Yeas, 13; Nays, 17.

Yeas:

Messrs.:

Browder	McConnell	Russell	Swift	
Frazer	Richardson	St. John	Tucker	
Kelly	Rogers	Stoddard	Weaver	
Locke				—13

Nays:

Messrs.:

Bonner	Mixon	Riddle	Walden	
Carlton	Mooneyham	Stephens	Walton	
Chesnut	McDowell	Taylor	Wellborn	
Cook	Parrish	Thomas	Woodall	
Dorsey				—17

And said amendment offered by Mr. Dorsey to the bill, S. 25, was then adopted.

Yeas, 16; Nays, 13.

Yeas:

Messrs.:

Carlton	Mixon	Riddle	Walden	
Chesnut	Mooneyham	Stephens	Walton	
Cook	McDowell	Taylor	Wellborn	
Dorsey	Parrish	Thomas	Woodall	
				—16

Nays:

Messrs.:

Browder	McConnell	Russell	Swift	
Frazer	Richardson	St. John	Tucker	
Kelly	Rogers	Stoddard	Weaver	
Locke				—13

PAIR ANNOUNCED

Mr. Bonner announced that he and Mr. Simpson were paired on this vote; that Mr. Simpson, if present, would vote "no", and he, Mr. Bonner, would vote "aye."

Mr. Richardson then moved that said bill, S. 25 and amendments be postponed to the Fifteenth Legislative day, which motion prevailed and said bill and amendments were postponed until the Fifteenth Legislative Day.

The bill:

S. 70. To provide for the construction and operation of a passenger elevator in the State Capitol of Alabama, and to make an appropriation therefor.

Was taken up.

Mr. Rogers offered the following amendment to said bill to-wit:

Amend S. B. 70 by striking from Section 3 thereof the following words and figures:—"and for the operation of the same there is hereby appropriated the sum of One Thousand Two Hundred and Fifty (\$1,250.00) Dollars per annum. The Governor, or some other officer designated by him, shall superintend the operation of said elevator and employ such labor as may be required."

Which was adopted:

Yeas, 25; Nay, 1.

Yeas:

Messrs.:

Bonner	Mixon	Rogers	Tucker
Browder	Mooneyham	Russell	Walden
Carlton	McConnell	Stephens	Walton
Chesnut	McDowell	Swift	Weaver
Cook	Parrish	Taylor	Wellborn
Dorsey	Richardson	Thomas	Woodall
Locke			

—25

Nay: Mr. Kelly.

—1

Mr. Walton offered the following amendment to said bill to-wit:

Amend Senate Bill 70 by striking from the caption thereof the word "elevator" and inserting in lieu thereof the word "Escalator".

And amend the bill further by striking from Sections 1, 2 and 3 thereof the word "Elevator" and inserting in lieu thereof the word "Escalator."

And on motion of Mr. McDowell the amendment offered by Mr. Walton was laid on the table.

Mr. Bonner offered the following amendment to said bill, to-wit:

Amend S. B. No. 70 by substituting for the word (\$25,000.00) Twenty five Thousand Dollars wherever the words appear therein Thirty thousand (\$30,000.00) dollars.

Mr. Walton moved to table the amendment offered by Mr. Bonner, which motion was lost and the Senate refused to table said amendment.

Yeas, 6; Nays, 19.

Yeas:

Messrs.:

Kelly	Stephens	Walton	Woodall
St. John	Swift		

—6

Nays:

Messrs.:

Bonner	Dorsey	Parrish	Tucker
Browder	Locke	Richardson	Walden
Carlton	Mixon	Rogers	Weaver
Chesnut	McConnell	Russell	Wellborn
Cook	McDowell	Taylor	

—19

And the amendment offered by Mr. Bonner was then adopted.

Yeas, 22; Nays, 5.

Yeas:

Messrs.:

Bonner	Kelly	Parrish	Taylor
Browder	Locke	Richardson	Tucker
Carlton	Mixon	Riddle	Walden
Chesnut	Mooneyham	Rogers	Weaver
Cook	McConnell	Russell	Wellborn
Dorsey	McDowell		

—22

Nays:

Messrs.:

St. John	Swift	Walton	Woodall
Stephens			

—5

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 19; Nays, 8.

Yeas:

Messrs.:

Bonner	Dorsey	Parrish	Tucker
Browder	Kelly	Richardson	Walden
Carlton	Locke	Riddle	Weaver
Chesnut	Mixon	Russell	Wellborn
Cook	McDowell	Taylor	

—19

Nays:

Messrs.:

Mooneyham	Rogers	Stephens	Walton
McConnell	St. John	Swift	Woodall

—8

Mr. McDowell then moved that the vote by which the Senate just passed said bill, S. B. 70, be reconsidered, which motion was lost and the Senate refused to re-consider said vote.

Yeas, 5; Nays, 19.

Yeas:

Messrs.:

McConnell	Stephens	Walton	Woodall
St. John			

—5

Nays:

Messrs.:

Bonner	Dorsey	McDowell	Taylor
Browder	Kelly	Parrish	Tucker
Carlton	Locke	Richardson	Walden
Chesnut	Mixon	Rogers	Weaver
Cook	Mooneyham	Russell	

—19

SPECIAL ORDER SET

On motion of Mr. Woodall:

The bill:

S. 63. To propose an amendment to the Constitution of Alabama to be known as Article_____, prohibiting the State, the several counties and municipalities and other political subdivisions and instrumentalities thereof from using or expending funds derived from taxes and licenses on gasoline, other liquid motor fuels or substitutes therefor, automobiles, trucks, busses and other motor vehicles, excepting revenues derived from driver's license fees and motor vehicle ad valorem taxes, including any tax or license based upon any gallonage or other amount or quantity levied upon any distributor, wholesaler, refiner, broker, retail dealer, seller, receiver or storer of gasoline, other liquid motor fuels or substitutes therefor whether such distributor, wholesaler, refiner, broker, retail dealer, seller, receiver or storer is a person, corporation, co-partnership, agency, company, association, county or counties, municipalities and other political subdivisions and instrumentalities of the State for purposes or uses, after deduction of cost of collection and administration, other than the following: construction, improvement and/or maintenance of public roads, streets, highways and bridges and retirement of indebtedness and interest thereon occurred in such construction, improvement and/or maintenance of such public roads, streets, highways and bridges by the State and any or all of the several counties and municipalities and other political subdivisions or instrumentalities thereof. Such amendment shall not apply to any use of such taxes, licenses or funds for the retirement of indebtednesses and interest thereon occurred in uses other than for the construction, improvement and/or maintenance of such public roads, streets highways and bridges allowed by any law or laws in existence and effect prior to the adoption of this amendment.

Was made a Special, Paramount and Continuing Order of Business on the Call of the Calendar for the Fourteenth Legislative Day.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 58. To provide a fund for the support of a law library for the Circuit Court of Calhoun County, Alabama, without appropriation from the State or County Treasury by the assessment and collection of court cost in all suits, actions and proceedings hereafter filed or brought to said court, and provide for the regulation and control of said fund.

S. 62. To amend Section 7 of Act entitled, "An Act creating and establishing Juvenile Courts in all counties in the State of Alabama now having or which shall hereafter have a population according to the last federal census of not less than 95,000 and not more than 175,000, defining their powers and jurisdictions and providing for the process and procedure of said courts; for the equipment of said courts, for the Judge and officers of the courts; their term of office and their salaries, and defining their duties and the payment by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties of all premiums that may accrue on account of the bond of the Clerk thereof; for the transportation of Probation Officers, for the service of process, including warrants and the fees thereof and the payment of said fees; for the detention of juvenile delinquents and dependents and neglected children, providing for a commission to aid in carrying out the work of the courts and prescribing its duties, and providing for appeals from any order or judgment of said courts; making it an offense for any person knowingly and wilfully to encourage, aid, abet, cause a state of delinquency or dependency of any child under sixteen years of age, or produce, promote or contribute to the conditions which render any child delinquent or dependent and providing punishment therefor; providing for the transfer of certain cases to said Juvenile Courts; providing for the apprehension of such children and persons and the commitment of children to any family, association or institution; for the transportation of such children and the payment of cost by said counties; providing for the commitment of Juvenile delinquents and dependents to any family, association or institution within the State to which they may be respectively committed and providing for the payment of the cost thereof by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties, providing for the payment by the cities or towns in which said courts are established of one-half of the expenses arising out of the operation of said Courts, and for the protection of said children against disqualification or prejudice in other courts in the Civil Service of the State or municipality on account of any judgment or order of said court or any confession, statement, declaration or admission or silence or demeanor of said juveniles, and provide for the repeal of certain laws," approved September 9, 1927, as amended by an

Act approved April 21, 1931, so as, among other things, to make the Act applicable to all counties in the State of Alabama, then having or which should thereafter have a population according to the last Federal census of not less than 100,000 nor more than 175,000, and as further amended by an Act approved April 17, 1933, and as further amended by Act approved September 13, 1935.

S. 65. To amend an Act, entitled "An Act, To abolish the office of deputy solicitor of Walker County, Alabama and to create in lieu thereof the office of County Solicitor of Walker County, Alabama, to provide for the appointment and the election of such officer by the qualified voters of said Walker County, to prescribe his powers, duties and qualifications and to provide for his compensation and the way in which same is to be paid, to fix the term of his office, to provide for the election of his successor in office and to fix the time he shall take office and to repeal all general and local laws in conflict herewith in so far as they relate to said Walker County, Alabama, approved May 23, 1931".

Earl Thomas,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the thirteenth Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the thirteenth Legislative day approved by the Senate.

ADJOURNMENT

At 5:50 P. M., on motion of Mr. Walden, and in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Thursday, January 14, 1937 at 10 A. M.

FOURTEENTH DAY

Thursday, January 14th, 1937.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The Session was opened with prayer by Rev. H. G. Earnest, Doorkeeper of the Senate.

ROLL CALL

Present:

Messrs.:

Bonner	Mixon	Russell	Thomas
Browder	Mooneyham	St. John	Tucker
Carlton	McConnell	Starnes	Walden
Chesnut	McDowell	Stephens	Walton
Dorsey	Parrish	Stoddard	Weaver
Kelly	Richardson	Swift	Wellborn
Kuykendall	Riddle	Taylor	Woodall
Locke	Rogers		

—30

JOURNAL

On motion of Mr. Rogers the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 3. To amend Sections 2, 3, 4, 5, 6, 7, and 8 of an Act of the Legislature of Alabama entitled, "An Act to make appropriations

to the Alabama Agricultural Experiment Station at Auburn; to the branch agricultural experiment stations located at Belle Mina in Limestone County, at Crossville in DeKalb County, at Marion Junction in Dallas County, at Headland in Henry County, and at Fairhope in Baldwin County, to the experiment fields located at various points in Alabama; to provide for the purchase of necessary land; to provide for the administration, supervision and direction of the research work carried on by the above agencies; to provide for the purchase of equipment, supplies, and for other necessary expenses involved in the conduct of agricultural researches and experiments on the main station at Auburn, on the branch stations, on the experiment fields, and in cooperation with farmers, and to provide how and from what sources said appropriations shall be derived, the distribution thereof, and the manner in which same shall be paid, Approved September 2, 1935".

S. 13. To Amend Section 1 of an Act of the Legislature of Alabama entitled, "An Act to provide for Extension Work in Agriculture and home economics by giving instructions to men, women and young people in the several counties in Alabama, by continuing and improving farm and home demonstration work, by providing for the training of men and women leaders, by organizing groups of farm people, including men, women, boys and girls, into clubs for the improvement of agriculture and farm home life, and by conducting Extension Work through other means, all with the view of making farm life more profitable and attractive; and to aid in securing for Alabama the full amounts of all Federal funds conditionally appropriated to Alabama by the Congress of the United States under an Act approved May 8, 1914, and generally known as the Smith-Lever Act for Extension work in agriculture and home economics, and other related and supplementary acts; and to make appropriations for these purposes." (Approved September 2, 1935).

S. 14. To amend Section 5 of an Act entitled, "An Act in relation to the educational system of Alabama; to make annual appropriations and provide funds for the support, maintenance and development of public education in Alabama, for the fiscal years ending September 30, 1936, 1937, 1938 and 1939, including all schools, agencies, services and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, the Alabama School of Trades & Industries, the Alabama College, the Alabama Polytechnic Institute and the University of Alabama, (Approved September 2, 1935)".

Earl Thomas,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 60. To permit the playing and operating of moving picture shows on Sunday, whether admission is charged thereto or not, in all incorporated cities or towns in Counties having a population of one hundred and fifty thousand or more inhabitants according to the last or any subsequent Federal Census, and within the police jurisdiction thereof; to provide that the governing body of any such city may, by ordinance prohibit any or all of the acts herein named.

Also:

H. 131. To create in each city of the State of Alabama having a population of one hundred thousand or more according to the last or any subsequent Federal census a Pension and Relief Fund for all employees of such city governed under civil service rules and regulations and for certain other officers and employees of such city who may elect to come under the provisions of this act, and for the widows of such officers and employees, to provide for a custodian of said Fund and to provide for the investment, protection, management and distribution of said fund by a Board of Managers.

Also:

H. 142. To authorize, empower, and direct the City of Guntersville, Alabama, to sell and convey to the United States of America title to that certain real estate owned by the City of Guntersville, Alabama, and known as the airport property, which is described as follows, to wit: A tract of land lying in Marshall County, State of Alabama, on the right side of the Tennessee River, in Township 7 South, Range 3 East, and more particularly described as follows: the southwest quarter of the southwest quarter of Section 25 and the west half of the southeast quarter of the southwest quarter of Section 25. All of the above described land

contains 70 acres, more or less; and To authorize, empower, and direct said City of Guntersville, Alabama, to make, enter into, execute, and deliver all contracts, deeds, instruments, and other documents necessary and proper to enable said City of Guntersville, Alabama, to convey satisfactory title to the United States of America; to ratify and confirm all contracts heretofore made and entered into by the said City of Guntersville, Alabama, with the United States of America and/or the Tennessee Valley Authority for the sale of said real estate; and to vacate and annul all rights of the public in and to said land.

Also:

H. 150. To require the Board of Revenue of Tallapoosa County, Alabama, or other like governing Board of said County, to pay for the publication of the notice of each and every local bill heretofore introduced at the present session of the Legislature of Alabama, or which may hereafter be introduced at the present session or any subsequent session of the Legislature of Alabama, for or which applies alone to the said County of Tallapoosa and out of any money in the Treasury of said County not otherwise appropriated; provided the notice so published is signed by one or both of the Representatives of the said County or by the State Senator from the tenth Senatorial District.

Also:

H. 151. To repeal an Act that the Legislature of 1927 authorized the County Commissioners Board of Revenue of like governing body of Jackson County, Alabama to levy and collect an excise tax on gasoline, Woco Pep or any substitute thereof not exceeding three cents per gallon, to authorize such, To provide when this Act shall go into effect court of County Commissioners or Board of Revenue or other like governing bodies of said County to provide the machinery for the collection of said tax.

Also:

H. 160. To amend Section 2 of an Act "To further prescribe the duties of County Treasurers in Counties of more than two hundred thousand population according to the last or any subsequent preceding Federal Census; to provide for clerical assistance for such treasurers for the employment of attorneys to advise and represent such treasurers, and for the compensation of such treasurer, assistants, and attorney; and to require the deposit of county funds," approved October 31, 1921.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced severally read one time and referred to appropriate standing committees, as follows:

By Mr. Weaver:

S. 90. To provide for and submit to the qualified electors of the State of Alabama, at an election to be held on the second Tuesday next after the expiration of three months from the date of the final adjournment of the present session of the Legislature, an amendment to the Constitution of Alabama authorizing Limestone County to levy and collect a tax of one mill, for use in malaria control work, in addition to all taxes now authorized.

Committee on Constitution and Constitutional Revisions
and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Stephens:

S. 91. To amend Section 18 of an Act entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled 'An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system and for other purposes;' to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to pro-

hibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violation of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act," approved September 14, 1935, as amended by an Act entitled "An Act to amend Section 18 of an Act approved September 14, 1935, and entitled 'An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system and for other purposes; "to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act, to regulate alienation of benefits; to provide penalties for failure to comply with or violation of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act'" approved April 21, 1936.

Committee on Finance & Taxation.

By Mr. Browder (by request):

S. 92. Providing for the creation of a State Efficiency Commission, prescribe its powers and duties, and provide for its maintenance.

Committee on Judiciary.

By Mr. Riddle:

S. 93. To authorize and empower any corporation organized under the terms and provisions of an Act entitled "An Act To provide for and authorize an incorporation by the Alabama Highway Director, the President of the State Board of Administration of Alabama and the Chairman of the State Tax Commission of Alabama, for the purpose of constructing or causing to be con-

structed bridges and the approaches, for public use, on, or connecting highways in this State; to prescribe its powers and duties; to exercise the right of eminent domain; to provide for the raising of necessary funds for such purpose; to prescribe the rights and powers of the purchasers of any bonds issued; to maintain and operate such bridges, to operate any such bridge or bridges for toll until the cost of construction and maintenance shall have been paid; to provide for the payment of interest on said bonds by the State of Alabama", and approved August 31, 1927, to amend its charter powers so as to have a corporate existence of not to exceed forty years from the date of its incorporation; and to provide the method of such amendment.

Committee on Public Roads & Highways.

By Mr. Rogers:

S. 94. To submit to the qualified voters of the State of Alabama, at an election to be held on the first Tuesday after the expiration of three months after the final adjournment of the present Special Session of the Legislature, for their consideration, an amendment to the Constitution of Alabama, so as to authorize and empower the Legislature of Alabama, from time to time, by general or local laws to fix, regulate and alter the fees, commissions, allowances or salary to be charged or received by the Sheriff of Mobile County, including the method and basis of his compensation.

Committee on Constitution and Constitutional Revision
and Amendments.

The above bill was read a first time at length as required by the Constitution.

REPORTS OF COMMITTEES

Mr. McDowell, Chairman of the Standing Committee on Constitutional & Constitutional Revision & Amendments, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Robertson:

H. 82. To propose an Amendment to the Constitution of the State of Alabama, amending Section 138 of Article 5, of the Constitution of Alabama; to order an election for the qualified Electors of the State of Alabama upon such proposed Amendment to be held at the next election held for any other constitutional amendment passed, approved and submitted by this session of the Legislature, or on failure to have such special election, then at the next general

election held in this State after the expiration of three (3) months from and after final adjournment of the present Session of the Legislature at which this Amendment is proposed; and, to provide for notice to be given by the Governor for the holding of said election.

The above bill was read a second time at length as required by the Constitution.

By Mr. Almon:

H. 64. To submit to the qualified electors of Alabama an amendment to the Constitution of Alabama authorizing Morgan County to increase its indebtedness in a sum not exceeding \$115,000.00, in addition to that now authorized, for the purpose of acquiring and paying for additional real property adjoining that where the court house and jail now set, and constructing and equipping a jail building in said county authorizing the issuance and sale of bonds therefor; authorizing the levy and collection of taxes on all taxable property in Morgan County, Alabama, at a rate not to exceed one mill to pay said indebtedness; to provide that said levy and collection of taxes for said purpose shall not be continued for a period of more than fifteen years from the date of the levy thereof.

The above bill was read a second time at length as required by the Constitution.

Mr. Russell, Chairman of the Standing Committee on Finance & Taxation reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Mooneyham (with substitute):

S. 76. To amend Schedules 156 and 156.1 of Section 348, in Chapter 4 of Article XIII, of an Act of the Legislature of Alabama entitled "An Act to provide for the General Revenue of the State of Alabama," approved July 10, 1935; and to repeal laws and parts of laws in conflict with the provisions hereof.

By Mr. Browder:

S. 32. To appropriate the sum of Six Hundred Thousand Dollars (\$600,000), from the Treasury of the State of Alabama: to designate the purpose of and to whom said appropriation shall be made: and to provide when same shall be paid and how the same shall be expended.

By Mr. Browder:

S. 33. To appropriate the sum of Three Hundred and Ninety-five Thousand Dollars (\$395,000), from the Treasury of the State of Alabama; to designate the purpose of and to whom said appro-

priation shall be made; and to provide when same shall be paid and how the same shall be expended.

By Mr. Buffington:

H. 239. To provide that the members of the Court of County Commissioners of St. Clair County, Alabama, shall be paid their per diem and mileage and any and all other lawful claims as is now provided, or may hereafter be provided by law, while engaged in the performance of their duties in connection with the building, construction, maintenance, repairing and/or inspecting of the public roads and/or bridges of said county; out of the Road and Bridge Fund; to further provide that the members of said Court shall continue to be paid their per diem and mileage and any and all other lawful claims as is now provided, or may hereafter be provided by law, while engaged in the performance of any and all other duties required of them as members of such Court, from the General Fund of said County, as heretofore; to authorize and require separate warrants for such per diem and mileage and any and all other lawful claims to be drawn on and paid out of the said Road and Bridge Fund, and out of the General Fund of said County respectively; and to repeal all laws and parts of laws, general, special and local, inconsistent with or in conflict with the provisions of this Act.

By Mr. Buffington:

H. 240. To provide that, that part of the compensation allowed to the Judge of Probate of St. Clair County by Section 7285 of the Code of Alabama of 1923, which is for discharging of his duties in relation to public roads, on proof to the county commissioners that he has discharged such duties, shall be paid out of road and bridge fund, and to repeal all laws, and parts of laws, general, special and local, inconsistent with or in conflict with the provisions of this Act.

By Mr. Mooneyham:

S. 82. To amend Section 368 of an Act entitled "An Act to provide for the General Revenue of the State of Alabama", approved July 10, 1935.

By Mr. Terry:

H. 69. To amend Section 9 of an Act entitled, "An Act to regulate the transportation, delivery, storage or sale of gasoline and other motor fuels in the State; to provide for the licensing by the State of certain individuals, firms, co-partnerships, corporations and associations engaging in the business of selling, distributing, or the withdrawing from storage of gasoline and other motor fuels, and to provide penalties for doing business without such license; to require bonds before engaging in such business; to require reports to State Tax Commission and immediate payment of all

taxes, penalties and interest upon discontinuance of business of selling, distributing or withdrawing from storage gasoline and other motor fuels, and to provide penalties for violations thereof; to regulate the transportation of gasoline and other motor fuels over the public highways and navigable waters of the State, and to provide penalties for violations thereof; to provide for the time and manner of delivering gasoline and other motor fuels to service stations and other places at which same shall be offered for sale at retail to the public, and to provide penalties for violations thereof; to prohibit the delivery of gasoline from certain trucks and other vehicles to the tanks of motor vehicles, except in cases of emergency, and to provide penalties for the violation thereof; to provide for the condemnation and sale of conveyances, boats and other property used in the illegal transportation, sale or delivery of gasoline and other motor fuels in the State, and to provide for the distribution of the proceeds of all such sales; to provide for rewards to persons furnishing information leading to the arrest and conviction of persons violating the provisions of this Act; to provide for the restraining and enjoining of certain persons illegally selling, distributing, withdrawing from storage or transporting gasoline, and to provide generally for the enforcement of the provisions of this Act, Approved October 5, 1932".

By Mr. Boswell:

H. 34. To amend Sections 338 and 344 of an act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

Mr. Russell, Chairman of the Standing Committee on Finance & Taxation reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without Recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Welch:

H. 86. To establish a commission and empower it to eliminate unfair practices in the tobacco trade and to provide for the expenses of said commission.

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said Committee in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Britton:

H. 210. For the relief of Curtis Baker, by payment to him of funds expended by him for hospital bill and Doctor's bill and other expenses on account of being injured while in the employ of Rus-

sell County, Alabama, and while in the line of and in the performance of his duties as an employee of Russell County, State of Alabama.

By Mr. Britton:

H. 211. To amend Sections 27 and 28 of an Act entitled an act to establish an additional or branch court house at Phenix City, in Russell County, Alabama; to divide the county into Northern and Southern divisions for such circuit court and to fix the boundary line between the two; To provide for the manner and form of the process for causes to be heard in the different divisions; to require certain officers of the county to keep an office at such branch court house; to fix the duties and compensation for such officers; to provide for grand and petit juries; to fix the jurisdiction and venue of each division of both civil and criminal cases, and to provide for the removal of such cases from one division to the other; to provide the method of appeal from inferior courts to the respective divisions of the Circuit Court; to fix requirements as to the confinement of prisoners in the county jail; to provide for the jury and non-jury terms of circuit court in said divisions; to fix the method of determining said terms; To provide for regular and special meetings of the Board of Revenue of said County in each division; to declare and fix the duties of the Judge of Probate with reference to said branch office and the two divisions; to provide for the penalty to comply with his duty and to fix compensation therefor; to provide for the holding of county court in each division and the jurisdiction of cases as to the said divisions; to provide for the appointment of a deputy clerk and fix his compensation; To require Phenix City, in Russell County, Alabama, to furnish quarters for said county officers, safekeeping of the records thereof, and for the furnishing of said offices with furniture, fixtures, equipment, etc. To provide for the furnishing of books and stationary by the County; to fix the method and time by which said Act shall be and be declared to be operate and effective and the time within which the first term of the circuit court shall be held in said Northern division; to fix the duties and provide the compensation of the tax collector and tax assessor with reference to said branch or additional court house and division; approved August 11, 1927; by providing for compensation to be paid the deputy tax collector and the deputy tax assessor of Russell County out of the general fund of the county.

By Mr. Britton:

H. 212. To create a County Court for Russell County, Alabama; to provide for its jurisdiction, its officers, fix their powers, duties and compensation; to provide for a trial tax, and its disposition.

By Mr. Boswell:

H. 201. To alter and enlarge the corporate limits of the Town of Geneva, Geneva County, Alabama, and to re-arrange and to define the boundaries thereof.

By Mr. DeVane:

H. 153. To authorize the payment of the members of the Court of County Commissioners of Choctaw County, Alabama, the sum of \$75.00 per month each out of the Excise Gasoline Tax Fund of the County for supervising the building and or maintaining public roads and or bridges in the county.

By Mr. Byars:

H. 249. To repeal an Act entitled "An Act to provide that certain officers of Lawrence County, Alabama, shall each receive an increase in pay, as follows: The members of the Board of Revenue shall each receive Four Dollars (\$4.00) per day instead of Three Dollars per day for service rendered, to be paid from the general fund of the County." approved April 21, 1936; and to provide that the compensation of the members of the Court of County Commissioners or Board of Revenue or like governing body of Lawrence County Alabama, or by whatever name called, be in the same amounts as is fixed by the general law of the State of Alabama for the compensation of the members of the Courts of County Commissioners or Boards of Revenue of the several counties of the State; and to provide that the compensation of said members, as herein fixed, may be paid out of the Gasoline Excise Tax levied by the State of Alabama accruing to Lawrence County, Alabama; and to repeal all laws and parts of laws, general, special or local, in conflict herewith; and to provide that if any clause, part or section of this Act shall be held invalid, the remainder of the same shall be in full force and effect.

By Mr. Almon:

H. 218. To define and prescribe the powers, authorities and duties of the Solicitor of the Morgan County Court of Morgan County, Alabama.

By Mr. Almon:

H. 220. For the relief of Howard Shoemaker and to appropriate for the use of the said Howard Shoemaker the sum of \$1000.00 from the general fund of Morgan County, Alabama, for the loss of his right eye while employed by the County of Morgan in road repair work on November 16, 1934, and to direct how the same shall be paid.

By Mr. Almon:

H. 224. To provide for an election to submit to the qualified electors of Morgan County, Alabama, for their approval or

rejection a proposal to issue bonds in an amount not exceeding \$115,000.00 for the purpose of acquiring and paying for additional real property (Block 387 according to plan of Decatur, Alabama) adjoining that where the court house and jail now set, and for the constructing and equipping of a jail building for said county and to levy and collect taxes on all taxable property in said county at a rate not exceeding one mill to provide a fund for the payment of said indebtedness and interest thereon, and to provide for the issuance of said bonds and the levy of said tax over a period not exceeding fifteen years in the event the said proposal is approved by the majority voting in said election; and to provide for the construction and equipping of said jail building.

By Mr. Poole (Butler):

H. 241. To authorize the Court of County Commissioners of Butler County, Alabama, to allow as a claim against said County and to pay to Mrs. Isabell Black, widow and administratrix of J. W. Black, deceased the sum of \$472.70, the amount of actual damages and expenses incurred and arising out of the injuries sustained by the said J. W. Black, resulting in his death from the collapse of a bridge over a creek on a public highway in Butler County, Alabama, known as the Georgiana and Starlington road in said County, while the said J. W. Black was driving a truck across said bridge, on to wit: the 13th day of March, 1936, which bridge and highway were at the time being maintained by said County.

By Mr. Bateman:

H. 192. To authorize the Elmore County Board of Education, or other governing body having control of Elmore County's public school funds, at its discretion, to retire with pay, any teacher who is seventy-four years of age, or over, and who has taught school in said county for at least twenty-two consecutive years, or more, next preceding January 1st, 1937, and providing that said retirement pay shall not exceed Six Hundred Dollars per annum, and to further provide for manner of payment.

By Mr. Doster:

H. 247. To amend an Act, entitled An Act to establish the Inferior Court of Autauga County, Alabama, in lieu of all Justices of the Peace and Notaries Republic Ex-Officio Justices of the Peace, in Prattville Precinct, or Precinct No. 1, of Autauga County, Alabama; to define the jurisdiction and powers of said Court and the Judge thereof, and other officers of said Court, and the manner of their appointment or election, the payment of their salaries, approved September 26th, 1923, as appears in Local Acts, 1923 at pages 224 et seq., as amended by an Act approved June 27th, 1935, as the same appears in Local Acts, 1935 at pages 82 et seq., and that Sections 7 and 8 of the Act approved June 27th, 1935, be and are hereby amended to read as follows:

By Mr. Shipman:

H. 236. To authorize, require and provide for the payment of \$1263.60 by the Treasurer of Pike County, and for the payment of \$235.18 by the Custodian of Public School Funds of Pike County, for the relief of C. B. Somerset, former tax collector of Pike County, said sums being the amounts paid by him to said Treasurer and said Custodian on charges for interest on deferred settlements for the tax years 1931, 1932 and 1933.

By Mr. Hanks:

H. 242. To Alter and Rearrange The Boundaries of the City of Sylacauga, Talladega County, Alabama.

By Mr. Langdon:

H. 227. To repeal an Act entitled, "To provide for the payment in Pickens County, Alabama, of a license or privilege tax on gasoline and other motor fuel and to provide for the collection thereof and penalties for violation thereof."

By Mr. Owen (Etowah):

H. 223. To supplement the salaries of the Circuit Judges in Alabama in all Judicial Circuits that now is or may hereafter be composed of only three Counties, one of which such Counties is now or may hereafter be divided into two jurisdictions with the holding of the Circuit Court in each jurisdiction of such County so divided, and said Circuit having only two Judges, and to provide for the payment of such Judges supplemental salaries.

By Mr. Owen (Etowah):

H. 127. To fix the Compensation of the Deputy Solicitor in all Counties of this State, which now have or which may hereafter have a population of 60,000 or more according to the last or any subsequent Federal Census and while such Counties are embraced in Judicial Circuits having more than one County.

By Mr. Cox:

H. 186. To provide for the relief of W. G. Culp, Ex-Tax Collector of Chilton County, Alabama, and to authorize and direct the payment to him the sum of \$160.25 out of the General Fund of Chilton County, Alabama, same having been paid by him to the State of Alabama for the use of Chilton County, Alabama, as interest on certain taxes collected by him and on which funds he received no benefit.

By Mr. Cox:

H. 187. To provide for the Relief of J. T. Rockett, Ex-Tax Collector of Chilton County, Alabama, and to authorize and direct the payment to him of the sum of \$132.99 out of the General Fund of Chilton County, Alabama, same having been paid by him to

the State of Alabama for the use of Chilton County, Alabama, as interest on certain taxes collected by him and on which funds he received no benefit.

By Mr. Cox:

H. 188. To provide for the relief of J. T. Rockett, Ex-Tax Collector of Chilton County, Alabama and to authorize and direct the payment to him of the sum of \$102.34 out of the General School Funds of Chilton County, Alabama, same having been paid by him to the State of Alabama for the use of the Board of Education of Chilton County, Alabama, and received by said Board as interest on taxes collected by him while Tax Collector of Chilton County, Alabama, and on which taxes he received no benefit.

By Mr. Cox:

H. 189. To provide for the relief of W. G. Culp, Ex-Tax Collector of Chilton County, Alabama and to authorize and direct the payment to him of the sum of \$166.64 out of the General School Funds of Chilton County, Alabama, same having been paid by him to the State of Alabama, for the use of the Board of Education of Chilton County, Alabama, and received by said Board as interest on taxes collected by him while tax Collector of Chilton County, Alabama, and on which taxes he received no benefit.

By Mr. Petrey:

H. 123. To authorize and empower the County School Board of Crenshaw County, Alabama, to allow and pay to the County Superintendent of Education a reasonable expense account used in connection with his office.

By Mr. Petrey:

H. 124. For relief of W. A. Lowman Superintendent of Education of Crenshaw County, Alabama.

By Mr. Petrey:

H. 122. To authorize and empower the County Board of Education of Crenshaw County, Alabama, to purchase necessary office equipment, supplies, stationery, postage and any necessities for the office of said County School Board of Education of Crenshaw County, and to pay for same out of the School Funds of Crenshaw County, Alabama.

By Mr. Matthews:

H. 216. To establish a board of Revenue for Wilcox County, and for the abolishment of the Court of County Commissioners of said County.

By Mr. Owens (Madison):

H. 217. To regulate and govern the jurisdiction of justices of the peace and notaries public with powers of justices of the peace

in Madison County, Alabama; to provide that an exercise or attempted exercise of contrary jurisdiction shall constitute a misdemeanor; and to repeal an Act entitled an Act "To abrogate and abolish the jurisdiction of Justices of the Peace and Notaries Public with powers of Justices of Peace in Madison County, Alabama, of all criminal causes except as committing magistrates in felony cases," approved March 2, 1931, (Local Acts 1931, p. 20).

By Mr. Taylor:

H. 170. For the relief of Harold E. Booth by authorizing and requiring the Board of Revenue and Road Commissioners of Mobile County, Alabama, to issue to him a warrant for Sixteen Hundred Fifty-Three & 35/100 (\$1,653.35) Dollars, in payment for oyster shells furnished by him and used on a public road in said County, and directing and requiring the Treasurer of said County to pay such warrant.

By Mr. McDermott:

H. 208. To amend Section 1 of an act entitled "To provide for a more economical, convenient and uniform system of assessing and collecting taxes on real estate, including the enforcement of tax liens, in all Counties having a population of 110,000 or more, according to the last, or any succeeding Federal Census," so as to provide for a minimum population of not less than 200,000 people.

By Mr. Taylor:

H. 209. For the relief of William J. O'Connor as official stenographer for the State Solicitor for the Thirteenth Judicial Circuit of Alabama (Mobile County); to provide compensation for the months of June, July, August and part of September, 1935, to be paid out of the General Funds of Mobile County, Alabama; to provide for said official stenographer to draw a warrant on the Treasurer of Mobile County, Alabama, for said compensation and to direct the Treasurer of Mobile County, Alabama, to **register and** pay said warrant out of the County Treasury of Mobile County, Alabama, as a preferred claim.

Mr. Walton, Chairman of the Standing Committee on Public Roads & Highways, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without Recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Chesnut:

S. 50. To amend Section 1 of an Act approved April 21, 1936, entitled, "An Act to amend Section 51, of an Act approved August 23, 1927, entitled: An Act To provide a general system of legislation pertaining to public roads, highways and bridges, including

therein the establishment of a State Highway Department and State Highway Commission; to create the office of Alabama Highway Director in Alabama; to define and regulate the powers, duties and authority of the State Highway Commission and of local authorities, boards of revenue, courts of county Commissioners, municipalities or like governing bodies; to provide authority and empower the Board of Administration to make agreements and contracts with the State Highway Commission for convict labor and let contracts for signs, advertising, etc., on highways; to define and provide rules of the road, including traffic regulations, penal violations, duties of owners and drivers and the regulation as to size, weight and equipment of motor vehicles moving over, along, or upon such roads; to provide for the establishment, discontinuance, working and maintenance of public roads, bridges and ferries; to provide for the establishment and maintenance of private roads; to provide for State Bonds for construction and maintenance of roads, issue and sale of; Good Roads Day established; Offenses concerning toll bridges, turnpikes and causeways; protecting bridges from floating logs and to provide against injury to mill dams, bridges, canals and road gates; to provide for working of public roads, persons liable and persons exempt from road duty; to provide for railroad tracks, bridges, viaducts and tunnels; and the repeal of all laws and parts of laws in conflict with the provisions of this Act, except such laws pertaining to revenue."

RESOLUTION

The Rules Committee reported the following joint resolution:

S. J. R. 23. BE IT RESOLVED BY THE SENATE, the House concurring, that when the two Houses adjourn today, they adjourn to meet again Friday, January 15, 1937, at 10 A. M.

Which was adopted.

BILLS ON THIRD READING

The bill:

H. 74. To amend an Act No. 181 of the Legislature of Alabama approved April 21, 1936, entitled "An Act to authorize the governing bodies of the counties in this State to fund or refund indebtedness of such counties outstanding on October 1, 1935, by the issuance of funding or refunding warrants; to provide the time within which such funding or refunding warrants shall mature and the maximum rate of interest thereon; and to provide that such

interest shall be payable semi-annually and may be evidenced by coupons. This Act shall not apply to Counties now or hereafter having a population of 90,000 or more according to the last or any succeeding Federal Census," by amending Sections 1 and 2 thereof.

Was taken up.

Mr. Kelly offered the following amendment to said bill, to-wit:

Amend H. B. 74 by striking from line 17 of Section 1, the words "of any public buildings" and insert in lieu thereof the following words "construction or improvement of any public"

Which was adopted.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Rogers	Tucker
Browder	Mixon	Russell	Walden
Carlton	Mooneyham	St. John	Walton
Chesnut	McConnell	Starnes	Weaver
Dorsey	McDowell	Stoddard	Wellborn
Kelly	Richardson	Taylor	Woodall
Kuykendall	Riddle	Thomas	

—27

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Riddle	Tucker
Browder	Mixon	Rogers	Walden
Carlton	Mooneyham	Russell	Walton
Chesnut	McConnell	St. John	Weaver
Dorsey	McDowell	Starnes	Wellborn
Kelly	Parrish	Stoddard	Woodall
Kuykendall	Richardson	Taylor	

—27

Nays:—None.

The bill:

H. 110. To amend an Act approved November 9, 1932, as found on pages 302 and 303 of the Acts of the Legislature of Alabama, extra Session 1932, entitled An Act "To amend an Act entitled an Act to amend Section 56 of An Act (No. 56) enacted by the Legislature of Alabama, approved February 25, 1932, to provide for and regulate and control Primary Elections for the nomination by Political Parties of candidates for public office within the State of Alabama, as found on page 755 of the Acts of the Legislature of Alabama of 1931."

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Mixon	Russell	Thomas
Browder	Mooneyham	St. John	Tucker
Carlton	McConnell	Starnes	Walton
Chesnut	Parrish	Stephens	Weaver
Kelly	Richardson	Stoddard	Wellborn
Kuykendall	Riddle	Taylor	Woodall
Locke	Rogers		

—26

Nays:—None.

The bill:

S. 79. To create and establish a Board of County Commissioners in and for Calhoun County, Alabama, in the place and stead of the Board of Revenue in and for Calhoun County, Alabama, now existing in said county and abolishing said Board of Revenue of said county; to divide said County of Calhoun into five districts, fixing the boundaries of said districts, and to provide for the election of members of the said Board of County Commissioners; defining the jurisdiction of said Board of County Commissioners and fixing their compensation, and conferring upon said Board of County Commissioners all the jurisdiction, powers and authority granted by law to courts of county commissioners, boards of county commissioners, boards of revenue, or other governing boards of like kind and authority in the State of Alabama; constituting the first members of said Board of County Commissioners for said county, and providing for the election of their successors.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Mixon	Rogers	Thomas
Browder	Mooneyham	Russell	Tucker
Carlton	McConnell	St. John	Walden
Chesnut	McDowell	Starnes	Walton
Dorsey	Parrish	Stephens	Weaver
Kelly	Richardson	Stoddard	Wellborn
Kuykendall	Riddle	Taylor	Woodall

—28

Nays:—None.

The bill:

S. 85. To alter and rearrange the boundaries of the town of Mignon, Talladega County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Rogers	Thomas
Browder	Mixon	Russell	Tucker
Carlton	Mooneyham	St. John	Walden
Chesnut	McConnell	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Kelly	Richardson	Stoddard	Wellborn
Kuykendall	Riddle	Taylor	Woodall

—28

Nays:—None.

The bill:

H. 61. To amend Section 3 of "An Act to require each and every motor vehicle operated upon the city streets and public highways of Alabama to have and keep attached and plainly visible at all times on both ends of the motor vehicle a license tag as prescribed and furnished by the state tax commission and to prescribe the punishment for violations of this act," approved September 14, 1935.

Was read a third time at length and passed.

Yeas, 26; Nays, 1.

Yeas:

Messrs.:

Browder	Mooneyham	Russell	Taylor
Chesnut	McConnell	St. John	Thomas
Dorsey	McDowell	Starnes	Tucker
Kelly	Parrish	Stephens	Walden
Kuykendall	Richardson	Stoddard	Walton
Locke	Riddle	Swift	Weaver
Mixon	Rogers		

—26

Nay: Mr. Bonner.

—1

The bill:

H. 21. To amend Schedule 158.1 of Chapter 6, Article 13, of an Act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

Was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to said bill, to-wit:

Amend House Bill twenty-one (21) by striking therefrom the title and substituting in lieu thereof the following title:

"To amend Schedule 158.1 of an act entitled an act to provide for general revenue of the State of Alabama, approved July 10,

1935, as amended by an act entitled an act to amend Schedule 158.1 of an act entitled an act to provide for general revenue of the State of Alabama, approved September 21, 1935, to read as follows:

Which was adopted.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Mixon	Rogers	Taylor
Browder	Mooneyham	Russell	Thomas
Carlton	McConnell	St. John	Tucker
Chesnut	McDowell	Starnes	Walden
Dorsey	Parrish	Stephens	Walton
Kuykendall	Richardson	Stoddard	Weaver
Locke	Riddle	Swift	Wellborn

—28

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Mooneyham	Russell	Thomas
Browder	McConnell	St. John	Tucker
Chesnut	McDowell	Starnes	Walden
Dorsey	Parrish	Stephens	Walton
Kuykendall	Richardson	Stoddard	Weaver
Locke	Riddle	Swift	Wellborn
Mixon	Rogers	Taylor	

—27

Nays:—None.

The bill:

S. 44. To amend Section 2171 of the Code of Alabama, 1923; to repeal all laws in conflict herewith, and provide when this act shall become effective.

Was read a third time at length and lost.

Yeas, 8; Nays, 19.

Yeas:

Messrs.:

Browder	Mooneyham	Richardson	Russell
Mixon	Parrish	Riddle	St. John

—8

Nays:

Messrs.:

Bonner	Locke	Stephens	Walden
Chesnut	McConnell	Stoddard	Walton
Dorsey	McDowell	Swift	Weaver
Kelly	Rogers	Taylor	Wellborn
Kuykendall	Starnes	Thomas	

—19

RECESS

At 12:25 P. M., on motion of Mr. Riddle, the Senate took a recess until three o'clock this afternoon.

AFTERNOON SESSION—FOURTEENTH DAY

Thursday, January 14th, 1937.

The Senate re-assembled at 3 P. M., Lieutenant-Governor Knight presiding.

ROLL CALL

Present:

Messrs.:			
Bonner	Mixon	Russell	Thomas
Browder	Mooneyham	St. John	Tucker
Carlton	McConnell	Starnes	Walden
Chesnut	McDowell	Stephens	Walton
Dorsey	Parrish	Stoddard	Weaver
Kelly	Richardson	Swift	Wellborn
Kuykendall	Riddle	Taylor	Woodall
Locke	Rogers		

—30

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Stoddard:

S. 95. To relieve Crenshaw County, Alabama from the payment of that certain warrant number 1458 of said County and in favor of the Highway Commission of Alabama, for revision of the Luverne and Troy Highway.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL

To all persons concerned:

Notice is hereby given, that, at the present special session of the Legislature, a Bill will be introduced for passage into Law, the substance of which shall be as follows:

A Bill to be entitled AN ACT

To relieve Crenshaw County, Alabama, from the payment of that certain Warrant, No. 1458, of said County and in favor of the State Highway Com-

mission of Alabama, for revision of the Luverne and Troy Highway.
This 21st day of December, 1936.

W. H. Stoddard,
Senator 25th Senatorial Dist.

AFFIDAVIT:
PROOF OF PUBLICATION

State of Alabama,
Crenshaw County.

Before the undersigned Notary Public personally came J. M. McLendon, who being duly sworn says upon oath that he is Associate Publisher of a newspaper published at Luverne, Crenshaw County, Alabama, known as The Luverne Journal & News, and that the notice of publication, a true copy of which is hereto annexed, and being entitled: A Bill, was published in said newspaper, once a week for 3 consecutive weeks, to-wit in the issues of said newspaper dated: Dec. 23, 1936, Dec. 30, 1936, Jan. 6, 1937.

J. M. McLendon,
Sworn and subscribed to before me this 8th day of January, 1937.
W. H. STODDARD,
Notary Public.

My Commission Expires May 1939.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in the Senate amendment to the following House bill:

By Mr. Connor:

H. 21. To amend Schedule 158.1 of an act entitled an act to provide for general revenue of the State of Alabama, approved July 10, 1935, as amended by an act entitled an Act to amend Schedule 158.1 of an act entitled an act to provide for general revenue of the State of Alabama, approved September 21, 1935, to read as follows:

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in the Senate amendment to the following House bill:

By Mr. Hendley:

H. 74. To amend an Act No. 181 of the Legislature of Alabama approved April 21, 1936 entitled "An Act to authorize the governing bodies of the counties in this State to fund or refund in-

debtednesses of such counties outstanding on October 1, 1935, by the issuance of funding or refunding warrants; to provide the time within which such funding or refunding warrants shall mature and the maximum rate of interest thereon; and to provide that such interest shall be payable semi-annually and may be evidenced by coupons. This Act shall not apply to Counties now or hereafter having a population of 90,000 or more according to the last or any succeeding Federal Census," by amending Sections 1 and 2 thereof.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 15. To repeal Article 10 of the Code of Laws for the State of Alabama prepared in accordance with the provision of the Acts approved February 18, 1927 (H. 273 Goode) as amended by act approved January 31, 1935, known as H. 61. Harrison, and which pertains to the Agriculture and Industries and relating to subjects which are administered by, concern or relate to the duties of the Commissioner of Agriculture and approved for the indexing, publication, sale and distribution of said Code, which is to be known as the Agricultural Code of Alabama, and which Act became effective by a proclamation by the Governor on Oct. 1, 1927.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following:

By Rules Committee:

S. J. R. 23. Relative to two Houses adjourning today to meet again on Friday, January 15, 1937, at 10 A. M.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Welch:

H. 112. To propose an amendment to the Constitution of Alabama to be known as Article ----- providing that all proceeds derived from any State excise, privilege, or license taxes on the disposition of gasoline, other liquid motor fuels, or substitutes therefor and any State excise or license taxes on motor vehicles or trailers or on motor vehicle owners or operators for the operation of such motor vehicles shall, except for necessary cost of collection and administration, be apportioned and used solely and exclusively for construction, reconstruction, maintenance, supervision, and repair of public roads, highways, streets, and bridges within the State; for interest and retirement of loans or obligations incurred in connection with such functions and shall not be diverted by transfer of funds or otherwise to any other purpose.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read one time at length as required by the Constitution and referred to appropriate standing committee as follows:

H. 112—To the Committee on Constitution and Constitutional Revision and Amendments.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Poole (Butler):

H. 46. To amend Schedule 12 of Section 348 of Chapter I of Article XIII, of a Bill approved July 10, 1935, and entitled "An Act to provide for the general revenue of the State of Alabama."

Also:

By Mr. Denson:

H. 80. To provide for the exemption from ad valorem taxation of the property of all incompetent veterans to the value of

two thousand dollars and to define the meaning of the term incompetent veteran.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House message were severally read one time at length and referred to appropriate Standing Committee as follows:

H. 46 and H. 80—To the Committee on Finance and Taxation.

BILLS ON THIRD READING

The bill:

S. 45. To provide for and regulate the issuance and dissolution of an injunction for failure to pay in full as due all municipal privilege license or excise tax and to provide remedies for collecting the same; to provide for an appeal; to make this remedy cumulative; and to provide when this act shall become effective.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 19; Nays, 3.

Yeas:

Messrs.:

Bonner	Kuykendall	Richardson	Thomas
Browder	Mooneyham	Russell	Weaver
Chesnut	McConnell	Stephens	Wellborn
Dorsey	McDowell	Stoddard	Woodall
Kelly	Parrish	Taylor	

—19

Nays: Messrs.: Locke, Starnes and Walton.

—3

The bill:

S. 22. To prohibit the driving of motor vehicles by habitual users of narcotic drugs, or habitual drunkards, or by persons under the influence of liquor or narcotic drugs, and to provide penalties for the violation of this act.

Was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to said bill, to-wit:

Amend Senate Bill No. 22 by adding after the words "have exclusive authority to prohibit" where said words appear together the following words "and must prohibit."

Mr. Russell offered the following substitute for the bill, S. B. 22 and Committee amendment, to-wit:

A BILL

To be entitled An Act to prohibit the driving of motor vehicles by habitual users of narcotic drugs, or habitual drunkards, or by persons under the influence of liquor or narcotic drugs, and to provide penalties for the violation of this Act.

Be it enacted by the Legislature of Alabama:

Section 1. It shall be unlawful for any person, whether licensed or not, who is an habitual user of narcotic drugs, or any person who is under the influence of liquor or narcotic drugs to drive any motor vehicle upon any highway of this state, and upon conviction shall be punished by imprisonment in the county or municipal jail for not more than one year or by fine of not more than one thousand dollars or by both such fine and imprisonment in the discretion of the judge trying the cause. As additional punishment the court trying the cause shall have exclusive authority to prohibit the person so convicted from driving any motor vehicle upon the public highways of this state for a period not to exceed one year. On a second or subsequent conviction he shall be punished by imprisonment at hard labor for not more than one year or in the discretion of the court a fine of not more than one thousand dollars, or both, and in addition thereto the court trying said cause shall, as additional punishment, have exclusive authority to prohibit the person convicted from driving a motor vehicle upon the highways of this state for a period of not less than thirty days nor more than one year.

Section 2. All fines collected for the violation of this Act shall be paid into the Highway Patrol Fund, as now provided by law.

Section 3. All laws or parts of laws in conflict herewith are expressly repealed.

Mr. Walton offered the following amendment to the substitute for the bill, S. B. 22, to-wit:

By adding after the words "have exclusive authority to prohibit" where said words appear together the following words "and must prohibit."

Which was adopted.

The substitute offered by Mr. Russell for the bill, S. 22 and committee amendment, was then adopted.

Yeas, 25; Nays, 2.

Yeas:

Messrs.:

Bonner	Mixbn	Riddle	Taylor
Browder	Mooneyham	Rogers	Thomas
Carlton	McConnell	Russell	Walden
Chesnut	McDowell	St. John	Walton
Dorsey	Parrish	Stephens	Weaver
Kelly	Richardson	Stoddard	Wellborn
Kuykendall			

—25

Nays: Messrs.: Locke and Starnes.

—2

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Riddle	Taylor
Browder	Mixon	Rogers	Thomas
Carlton	Mooneyham	Russell	Walden
Chesnut	McConnell	St. John	Walton
Dorsey	McDowell	Starnes	Weaver
Kelly	Parrish	Stephens	Wellborn
Kuykendall	Richardson	Stoddard	Woodall

—28

Nays:—None.

The bill:

S. 46. To amend Section 6 of an act, approved July 10, 1931, appearing on page 436 of the 1931 acts of the Legislature "To amend an act entitled 'an act to amend Sections 1754, 1757, 1760 and 1894 of the Code of Alabama, 1923' approved September 9, 1927".

Was taken up.

Mr. Browder offered the following substitute for the bill, to-wit:

A BILL

To be entitled An Act to amend Section 6 of an Act, approved July 10, 1931, appearing on page 436 of the 1931 Acts of the Legislature, "To amend an Act entitled 'An Act to amend Sections 1754, 1757, 1760 and 1894 of the Code of Alabama, 1923' approved September 9, 1927."

Be it enacted by the Legislature of Alabama:

Section 1. That Section 6 of an Act No. 371, approved July 10, 1931, appearing on pages 436, et seq., of the 1931 Acts of Ala-

bama, be and the same is hereby amended to read as follows: "Section 6. The mayor shall have the powers and perform the duties as follows: He shall keep an office in the City or Town, and in addition to municipal functions or duties, may, with the consent of the City Council, or like governing body, perform duties in connection with any corporate functions in which the city or town may be engaged, and shall receive such salary as the council may prescribe, not exceeding the following amounts:

In cities having Twenty-Five Thousand population or more, not exceeding Five Thousand Dollars, and not less than Eighteen Hundred Dollars a year; in cities having ten thousand and up to twenty-five thousand population, not exceeding Three Thousand Dollars and not less than Eighteen Hundred Dollars a year; in cities having five thousand and up to ten thousand population, not exceeding Eighteen Hundred Dollars, and not less than Six Hundred Dollars a year; in cities having less than five thousand population, not exceeding Fifteen Hundred Dollars, and not less than One Hundred Dollars a year; in towns, not exceeding Five Hundred Dollars and not less than Fifty Dollars a year. Provided, however, that if the municipality is engaged in operating a public utility or is performing other corporate functions, and the Mayor, as herein authorized, perform duties of a supervisory character or otherwise connected with said corporate activities, the municipal council or like governing body granting such authority to the Mayor, may, in addition to the regular salary above prescribed, allow said Mayor compensation for performing such corporate duties an amount not to exceed Twelve Hundred Dollars (\$1,200.00) per annum, to be paid in monthly installments.

Section 2. All laws and parts of laws in conflict herewith are hereby expressly repealed.

Section 3. This Act shall become effective on its passage and approval by the Governor.

Which was lost.

Yeas, 14; Nays, 15.

Yeas:

Messrs.:

Browder
Chesnut
Kelly
McDowell

Parrish
Richardson
Riddle
Russell

St. John
Stephens
Stoddard

Swift
Thomas
Weaver

—14

Nays:

Messrs.:

Bonner
Carlton
Dorsey
Kuykendall

Locke
Mixon
Mooneyham
McConnell

Rogers
Starnes
Taylor
Walden

Walton
Wellborn
Woodall

—15

And on motion of Mr. Browder the bill, S. 46, was indefinitely postponed by the Senate.

The bill:

S. 71. For the protection of human beings against rabies, to require inoculation against rabies of all dogs running at large, to provide for the apprehension and disposition of dogs running at large which have not been inoculated in accordance with the provisions of this Act, to provide for the confinement of bitten dogs, and dogs that have bitten human beings, to provide a means of enforcement of the provisions of this Act, the appointment of a Rabies Inspector, to fix fees for inoculation of dogs, and to fix penalties for the violation of the provisions hereof.

Was taken up.

Mr. Walton offered the following substitute for the bill, to-wit:

A BILL

To be entitled An Act for the protection of human beings against rabies, to require inoculation against rabies of all dogs running at large, to provide for the apprehension and disposition of dogs running at large which have not been inoculated in accordance with the provisions of this Act, to provide for the confinement of bitten dogs, and dogs that have bitten human beings, to provide a means of enforcement of the provisions of this Act, the appointment of a Rabies Inspector, to fix fees for inoculation of dogs, and to fix penalties for the violation of the provisions hereof.

Be it enacted by the Legislature of Alabama:

Section 1. TERMS DEFINED. Whenever used in this Act, unless a contrary intention is clearly evident, the following terms shall be interpreted as herein defined:—(a) The term “dog” shall mean and include all members of the canine family, three months or more of age, and also pet foxes, wolves, etc. (b) The terms “person” shall mean and include individuals, firms, partnerships and associations; the singular shall include the plural, and the masculine the feminine and neuter. (c) The term “owner” shall mean and include any person having a right of property in the dog, or who keeps or harbors a dog, or who has it in its care, or acts as its custodian, or who permits a dog to remain on or about any premises occupied by him. (d) The term “inoculation against rabies” shall mean the subcutaneous injection of an amount of tested and certified canine antirabies vaccine, approved by the State Health Officer and the State Veterinarian.

Section 2. ENFORCEMENT PROVISION. For the purpose of providing proper enforcement of the provisions of this Act.

each County Board of Health is hereby invested with general supervisory powers, and it shall be its duty, with the approval of the State Health Officer and the State Veterinarian, to designate or appoint, within 90 days of the passage and approval of this Act, a competent veterinarian or other person properly qualified, who shall be known as the Rabies Inspector, and such Inspector may select as many deputies to aid him in such enforcement as he may desire. It shall be the duty of the said Inspector, under the direction of the County Board of Health, to enforce the provisions of this Act, and it shall be his duty to inoculate dogs or have the work done by his deputies when called upon to do so, and for the full enforcement of the provisions of this Act, the said Rabies Inspector, and his deputies are hereby clothed with full police power, and the sheriff and his deputies in each county and the police officers in each incorporated city are hereby designated as aids, and instructed to cooperate with said Inspector in carrying out the provisions of this Act. The compensation of the Inspector and his deputies shall be limited to the fees prescribed in succeeding sections of this Act. The said Rabies Inspector may be removed from office, for cause, by the County Board of Health.

Section 3. INOCULATION OF DOGS REQUIRED. On or before a date fixed annually by the Rabies Inspector of each county, with the approval of the State Health Officer, every owner of a dog, not confined at all times to an enclosed area, or on leach, or muzzled, shall cause such dog to be inoculated against rabies by the Rabies Inspector, by a competent veterinarian, or other person duly qualified by the respective county boards of health. Evidence of such inoculation shall consist of a printed certificate furnished in triplicate by the State Board of Health, upon which shall be inscribed a description of the dog inoculated, its age, color, sex, and breed, the name and address of the owner, and the lot or ampule number of the vaccine used and the name of the manufacturer, which certificate shall be dated and signed by the inoculating veterinarian or other person by whom the anti-rabies vaccine may be administered. One copy of said certificate shall be delivered to the owner of the dog inoculated, and the other two copies shall be delivered to the county health officer before the tenth day of each month. Provided, however, that the provisions of this section shall not be applicable in the case of any dog inoculated not more than six months prior to the passage of this Act, the proper certificate of which inoculation shall be presented to the Rabies Inspector.

Section 4. DOGS TO WEAR TAGS. Coincident with the issuance of the certificate of inoculation, as prescribed in the preceding section, the Rabies Inspector, veterinarian, or other person furnishing the certificate shall also furnish a serially numbered

tag bearing the same number and year as the certificate bears, which tag shall at all times be attached to a collar or harness worn by the dog for which the tag and certificate have been issued.

Section 5. LOST TAGS. In the case of the loss of the tag from any dog to which the same has been legally issued, every replacement thereof shall be upon such terms as may be agreed upon with the Rabies Inspector.

Section 6. FEES. It is hereby provided that any Rabies Inspector, veterinarian, or other person authorized or qualified to inoculate dogs against rabies may charge for such services a sum not to exceed fifty cents (\$.50), including the cost of the vaccine, which said fee shall accrue to said Inspector, or person who performed the inoculation, for his services. He shall keep a record of all dogs inoculated on forms furnished by the State Health Department of Health.

Section 7. PENALTIES. On and after the date annually fixed by the Rabies Inspector, any dog found running at large, and not wearing evidence of inoculation as provided herein, and for which no certificate of inoculation can be produced and which is apprehended by any officer or other persons charged with the enforcement of this Act, shall forthwith be subject to a penalty of 50¢, to be imposed by the Rabies Inspector on the owner of the said dog, in addition to the fee heretofore prescribed for inoculation. The said penalty, when collected, shall accrue to the person making the apprehension.

Section 8. IMPOUNDING OF UNLICENSED DOGS. It shall be the duty of each and every county in the State and of every municipality over 5,000 in which the county pound is now located, to provide a suitable enclosure for the impounding of all dogs found running at large in violation of the provisions of this Act. Where dogs are impounded, the said Inspector shall in some form or manner give a notice of not less than ten days, and if the owner thereof is known, such owner shall be given direct notice of the impounding of a dog or dogs belonging to him.

Section 9. DISPOSITION OF DOGS PRESCRIBED. All dogs which have been impounded for failure to be inoculated in accordance with the provisions of this Act, due notice of which impounding shall have been given as provided in the preceding section, shall be humanely dispatched and disposed of when not redeemed by the owner within two (2) weeks. Where there exists a humane society in any city of the State where the provisions of this Act are applicable, said humane society shall have the privilege of dispatching all unredeemed dogs, should they so elect. In case the owner of any impounded dog desires to make redemption thereof, he may do so upon the following conditions: He must pay for the inoculation of the dog, for the board of the dog for the

period for which it was impounded, and 50¢ in addition as a penalty, as prescribed in Section 7. The said Rabies Inspector may, at his discretion, sell any dog not redeemed or claimed or otherwise disposed of to any purchaser desiring the said dog, which said purchaser must comply with all the provisions of this Act.

Section 10. CONFINEMENT OF BITTEN OR SUSPECTED RABID DOGS PRESCRIBED. The owner of any dog which has been bitten by another animal, or which exhibits symptoms of rabies, shall immediately notify the County Health Officer or County Quarantine Officer or Rabies Inspector, and shall promptly confine such dogs, or have it confined, under suitable observation, for a period of at least thirty days, unless officially authorized by the County Health Officer or County Quarantine Officer or Rabies Inspector, in writing, to release it sooner.

Section 11. CONFINEMENT OF DOGS WHICH HAVE BITTEN HUMANS AUTHORIZED. Whenever the County Health Officer, the County Quarantine Officer, or Rabies Inspector shall receive information that any person has been bitten by a dog suspected of being rabid, the said County Health Officer, Quarantine Officer, or Rabies Inspector shall be required to have the said dog confined as provided in Section 10. And it shall be unlawful for any person having knowledge that any person has been bitten by a dog suspected of being rabid to refuse to promptly notify one or more of the officers mentioned in this section. It shall be unlawful for the owner of such dog to refuse or fail to comply with the written recommendations made by the County Health Officer, or County Quarantine Officer or Rabies Inspector, in any particular case, and any expense incurred in the handling of any dog, under this and the preceding section, shall be borne by the owner.

Section 12. GENERAL PROVISIONS. Any person violating, or aiding in or abetting the violation of any provision of this Act, or counterfeiting or forging any certificate, permit, or tag or making any misrepresentation in regard to any matter prescribed by this Act, or resisting, obstructing, or impeding any authorized officer in enforcing this Act shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than one nor more than ten dollars, and, for the purpose of enforcing this section, any court of competent jurisdiction, including Justice of the Peace Courts, shall have jurisdiction in such offenses.

Section 13. If any section, clause, paragraph, or provision of this Act shall be held unconstitutional, such holding shall not affect any part or all the remainder of said Act which is not in itself unconstitutional.

Section 14. Nothing in this Act shall be held to limit in any manner the power of any municipality to prohibit dogs from run-

ning at large, whether or not they have been inoculated as herein provided; nor shall anything in this Act be construed to in any manner limit the power of any municipality to further control and regulate dogs in such municipality, in any manner not in conflict with this Act.

Section 15. The County Health Officer or County Quarantine Officer or the Rabies Inspector or deputy officers or any one enforcing the provisions of this Act shall not be held responsible for any accident or disease that may happen to any dog.

Section 16. The Board of Health of each County is hereby required to make annual report to the State Department of Health showing the number of dogs inoculated, fees and penalties collected, and the number of cases of rabies occurring in the respective county.

Section 17. All laws and parts of laws in conflict or inconsistent with the provisions of this Act are hereby expressly repealed.

Section 18. This Act shall become effective immediately upon its passage and approval by the Governor of Alabama.

Which was adopted.

Yeas, 21; Nays, 5.

Yeas:

Messrs.:

Chesnut	McConnell	Russell	Thomas
Kelly	McDowell	St. John	Walton
Kuykendall	Parrish	Stephens	Weaver
Locke	Richardson	Swift	Wellborn
Mixon	Riddle	Taylor	Woodall
Mooneyham			

—21

Nays:

Messrs.:

Browder	Rogers	Starnes	Walden
Dorsey			

—5

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 5.

Yeas:

Messrs.:

Bonner	Mooneyham	Russell	Thomas
Chesnut	McConnell	St. John	Walton
Kelly	McDowell	Stephens	Weaver
Kuykendall	Parrish	Swift	Wellborn
Locke	Richardson	Taylor	Woodall
Mixon	Riddle		

—22

Nays:

Messrs.:

Browder	Rogers	Starnes	Walden
Dorsey			

—5

The bill:

S. 75. To amend Schedule 22 of Section 348, Article XIII, Chapter 1, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for said bill, to-wit:

S. 75. A bill to be entitled An Act to amend Schedule 22 of Section 348, Article XIII, Chapter 1, of an Act entitled "An Act to provide for the General Revenue of the State of Alabama" approved July 10, 1935."

Be it enacted by the Legislature of Alabama:

That Schedule 22 of Section 348 of Article XIII, Chapter 1, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" be and the same is hereby amended so as to read as follows:

Schedule 22. For engaging in the business of dealing in, renting or hiring bicycles and/or motorcycles, in cities of:

20,000 or over.....	\$15.00
10,000 to 20,000.....	10.00

All other places whether incorporated or not 5.00

Each dealer may purchase dealer's tags, not to exceed five for any company or firm at a cost of One Dollar (\$1.00) each. Use of these tags for other than demonstration shall constitute a misdemeanor and upon conviction shall be punished by fine not less than five dollars (\$5.00), or more than one hundred dollars (\$100.00).

Schedule 22-b. Each person other than a licensee under Schedule 12, of Section 348 hereof, for engaging in the business of dealing in Tractors, road machinery or trailers, shall pay the following license:

In cities and towns of 50,000 inhabitants or over State license of \$50.00, county license of \$50.00

In cities and towns of 25,000 inhabitants and less than 50,000, State license of \$40.00, county license of \$40.00

In cities and towns of 5,000 and less than 25,000, State license of \$20.00, county license of \$20.00

In all other places of less than 5,000 inhabitants whether incorporated or not; State license of \$10.00, county license of \$10.00.

Mr. Mooneyham offered the following amendment to the substitute for the bill, S. B. 75, to-wit:

Amend Caption of substitute for S. B. No. 75 so as to read as follows:

"To amend Schedule 22 of Section 348, Article XIII, Chapter 1 of an Act entitled "An act to provide for the General Revenue of the State of Alabama" approved July 10, 1935, by adding thereto Schedule 22-B.

Which was adopted.

And the substitute for the bill, S. B. 75, as thus amended, was then adopted.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:

Bonner	Mooneyham	Rogers	Taylor
Browder	McConnell	Russell	Thomas
Chesnut	McDowell	St. John	Walden
Dorsey	Parrish	Starnes	Weaver
Kelly	Richardson	Stephens	Wellborn
Locke	Riddle	Swift	Woodall
Mixon			

—25

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:

Bonner	Mooneyham	Rogers	Taylor
Browder	McConnell	Russell	Thomas
Chesnut	McDowell	St. John	Walden
Dorsey	Parrish	Starnes	Weaver
Kelly	Richardson	Stephens	Wellborn
Locke	Riddle	Swift	Woodall
Mixon			

—25

Nays:—None.

The bill:

S. 84. To further regulate absentee voting.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 25; Nay, 1.

Yeas:

Messrs.:

Bonner	Mixon	Rogers	Thomas
Browder	Mooneyham	Russell	Walden
Chesnut	McConnell	St. John	Walton
Dorsey	McDowell	Stephens	Weaver
Kelly	Parrish	Swift	Wellborn
Kuykendall	Richardson	Taylor	Woodall
Locke			

—25

Nay: Mr. Starnes.

—1

The bill:

H. 39. To authorize the Governor to purchase copies of "Simon's Compilation of Alabama Revenue Laws" to be paid for out of the departmental funds of the departments affected.

Was taken up.

The Standing Committee on Finance and Taxation offered the following amendment to said bill, to-wit:

Amend H. B. 39 by adding at the end of Section 2 the following: "Provided the cost of each Buckram Bound volume shall be \$4.25 and the county officials to be furnished shall consist of Probate Judge, Tax Collector, and Tax Assessor."

Which was adopted.

Yeas, 24, Nay, 1.

Yeas:

Messrs.:

Bonner	Locke	Riddle	Swift
Browder	Mixon	Rogers	Thomas
Chesnut	Mooneyham	Russell	Walton
Dorsey	McConnell	St. John	Weaver
Kelly	Parrish	Starnes	Wellborn
Kuykendall	Richardson	Stephens	Woodall

—24

Nay: Mr. Taylor.

—1

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 24, Nay, 1.

Yeas:

Messrs.:

Bonner	Locke	Riddle	Swift
Browder	Mixon	Rogers	Thomas
Chesnut	Mooneyham	Russell	Walton
Dorsey	McConnell	St. John	Weaver
Kelly	Parrish	Starnes	Wellborn
Kuykendall	Richardson	Stephens	Woodall

—24

Nay: Mr. Taylor.

—1

The bill:

H. 70. To amend Schedule 154 of Article XIII, Chapter of Section 348 of an Act approved July 10, 1935, entitled "An Act to provide for the general revenue of the State of Alabama."

Was taken up.

Mr. Walton offered the following amendment to said bill, to-wit:

Amend by inserting in section two, line five, after the words, "Eight (\$8.00) dollars," the following words: "Provided, that nothing in this schedule shall apply to machines installed by any person, firm, or corporation in its place of business, vending necessary articles on a non-profit basis for emergency use only by the employees of such person, firm, or corporation."

Which was adopted.

Yeas, 24, Nays, 1.

Yeas:

Messrs.:

Bonner	Locke	Riddle	Taylor
Browder	Mixon	Rogers	Thomas
Chesnut	Mooneyham	Russell	Walton
Dorsey	McConnell	St. John	Weaver
Kelly	McDowell	Starnes	Wellborn
Kuykendall	Parrish	Stephens	Woodall

—24

Nay: Mr. Richardson.

—1

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Bonner	Mixon	Riddle	Taylor
Browder	Mooneyham	Rogers	Thomas
Chesnut	McConnell	Russell	Walton
Dorsey	McDowell	St. John	Weaver
Kuykendall	Parrish	Starnes	Wellborn
Locke	Richardson	Stephens	Woodall

—24

Nays:—None.

The bill:

H. 89. To provide for the granting of a free scholarship in certain schools of the State of Alabama, to the value of one hundred dollars each year, upon the donation to the State by the American Legion or the American Legion Auxiliary of the State of Alabama of the sum of twelve hundred and fifty dollars for the securing of each such scholarship.

Was taken up.

Mr. Dorsey offered the following amendment to said bill, to-wit:

To amend Section 1 of H. B. 89 by striking out the word "University" wherever it may appear and inserting in lieu thereof the words "University of Alabama."

Which was adopted.

Yeas, 26, Nays, 0.

Yeas:

Messrs.:

Bonner	Mixon	Rogers	Taylor
Browder	Mooneyham	Russell	Thomas
Chesnut	McConnell	St. John	Walton
Dorsey	McDowell	Starnes	Weaver
Kelly	Parrish	Stephens	Wellborn
Kuykendall	Richardson	Swift	Woodall
Locke	Riddle		

—26

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Mixon	Rogers	Taylor
Browder	Mooneyham	Russell	Thomas
Chesnut	McConnell	St. John	Walton
Dorsey	McDowell	Starnes	Weaver
Kelly	Parrish	Stephens	Wellborn
Kuykendall	Richardson	Swift	Woodall
Locke	Riddle		

—26

Nays:—None.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the fourteenth Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the fourteenth Legislative day approved by the Senate.

ADJOURNMENT

At 5:20 P. M., on motion of Mr. Dorsey and in accordance with Joint Resolution heretofore adopted, the Senate adjourned until tomorrow morning at 10 o'clock.

FIFTEENTH DAY

Friday, January 15th, 1937.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The session was opened with prayer by Rev. H. G. Earnest, Doorkeeper of the Senate.

ROLL CALL

Present:

Messrs.:			
Bonner	Kuykendall	Rogers	Taylor
Browder	Locke	Russell	Thomas
Carlton	Mixon	St. John	Tucker
Chesnut	Mooneyham	Simpson	Walden
Cook	McConnell	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Frazer	Parrish	Stoddard	Wellborn
Goldsmith	Richardson	Swift	Woodall
Kelly	Riddle		

—34

JOURNAL

On motion of Mr. Mooneyham the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bill with the engrossed and original bill, respectively, and finds same correctly enrolled, to-wit:

S. 15. To repeal Article 10 of the Code of Laws for the State of Alabama prepared in accordance with the provision of the Acts approved February 18, 1927 (H. 273 Goode) as amended by act approved January 31, 1935, known as H. 61. Harrison, and which pertains to the Agriculture and Industries and relating to subjects which are administered by, concern or relate to the duties of the Commissioner of Agriculture and approved for indexing, publication, sale and distribution of said Code, which is to be known as the Agricultural Code of Alabama, and which act became effective by a proclamation by the Governor on Oct. 1, 1927.

Earl Thomas,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 21. To amend Schedule 158.1 of an act entitled an act to provide for general revenue of the State of Alabama, approved July 10, 1935, as amended by an act entitled an act to amend Schedule 158.1 of an act entitled an act to provide for general revenue of the State of Alabama, approved September 21, 1935, to read as follows:

Also:

H. 61. To amend Section 3 of "An Act to require each and every motor vehicle operated upon the city streets and public highways of Alabama to have and keep attached and plainly visible at all times on both ends of the motor vehicle a license tag as prescribed and furnished by the state tax commission and to prescribe the punishment for violations of this act," approved September 14, 1935.

Also:

H. 74. To amend an Act, No. 181 of the Legislature of Alabama approved April 21, 1936, entitled "An Act to authorize the governing bodies of the counties in this State to fund or refund indebtedness of such counties outstanding on October 1, 1935, by the issuance of funding or refunding warrants; to provide the time within which such funding or refunding warrants shall mature and the maximum rate of interest thereon; and to provide that such interest shall be payable semi-annually and may be evidenced by coupons. This Act shall not apply to Counties now or hereafter having a population of 90,000 or more according to the last or any succeeding Federal Census," by amending Sections 1 and 2 thereof.

Also:

H. 110. To amend an Act approved November 9, 1932, as found on pages 302 and 303 of the Acts of the Legislature of Ala-

bama, extra Session 1932, entitled An Act "To amend An Act entitled An Act to amend Section 56 of An Act (No. 56) enacted by the Legislature of Alabama, approved February 25, 1932, to provide for and regulate and control Primary Elections for the nomination by Political Parties of candidates for public office within the State of Alabama, as found on page 755 of the Acts of the Legislature of Alabama of 1931."

E. F. Taylor,
Clerk.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

REPORTS OF COMMITTEES

Mr. Mooneyham, Chairman of the Standing Committee on Municipalities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Taylor:

S. 72. To limit the amount which the governing body of the municipalities of this State may assess against adjoining property for public improvements to one-fourth of the costs of such improvements serving such adjoining property.

Mr. Stephens, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. St. John (with substitute):

S. 87. To repeal Section 631 of the Alabama School Code, adopted by an Act of the Legislature of Alabama, approved August 27, 1927.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Taylor:

H. 169. To provide that in all counties in the State of Alabama, now or hereafter having more than one hundred and ten thousand population, and less than three hundred thousand population according to the last, or any Federal Census, that the Board of Revenue and Road Commissions of such counties, or whatever may be called, furnish all necessary expenses to the office of Tax Assessor and Tax Collector and Tax Agents, which shall include, automobiles, gasoline, stationery, and other necessary expenses to be certified by the Tax Collector or Tax Assessor or Tax Agents of such counties, or requisition by him. And to be paid out of the county Treasury by a warrant to be drawn by the Board of Revenue and Road Commission on the general fund of such county.

Also:

By Mr. Hill:

H. 257. To provide for the election of members of the Board of Education of Marion County, and the time and manner thereof, and the time and manner of the election of the successors to the present board shall be elected by the qualified electors of each of the sub-divisions of said county herein designated and described; and to provide for their terms of office and to provide for the duties of powers of the said Board of Education, and for the compensation and qualification of members thereof.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that application will be made at the next extraordinary session of the legislature of Alabama for the passage of a local act for Marion County, Alabama to divide Marion County into five subdivisions and to provide for the election of a Board of Education for Marion County; and to provide the terms of office of the members thereof, and the number, manner and times of their election; and to provide for the election of one member of the said Board of Education by the qualified electors of each of the said subdivisions so created; and to provide for the election and selection of successors of the present members of the Board of Education of Marion County; and to provide for the powers and duties of the said Board of Education and of the members thereof.

R. L. HILL,

Member of the Legislature.

STATE OF ALABAMA, }
MARION COUNTY. } ss:

Before me, _____ a _____, in and for said County and State, personally appeared W. H. Murray, who being first duly sworn, deposes and says, that he is the publisher of THE WINFIELD JOURNAL, a weekly newspaper published in the Town of Winfield, in the State and County aforesaid, and that the advertisement, a true copy of which is hereto annexed, was print-

ed in said newspaper for four consecutive weeks prior to the 1st day of January, 1937, the first publication being on November 26, 1936, and the last publication being on December 17, 1936.

That there was no agreement between publisher and officer, and that the actual cost of said advertisement is \$-----, which is ----- paid.

W. H. MURRAY.

Sworn to and subscribed before me this 4th day of January, 1937.

IVAN HILL,

(Seal)

Notary Public.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read one time at length and referred to appropriate standing committee as follows:

House Bills 169, 257—To the Committee on Local Legislation.

RE-CONSIDERATION OF BILL

Mr. Kelly moved that the Senate re-consider the vote by which the bill H. B. 44, as amended by the substitute:

H. 44. To promote temperance and suppress the evils of intemperance; to regulate and control the manufacture, purchase, bottling, sale, distribution, transportation, handling, advertising, possession, dispensing, drinking and use of alcohol, brandy, rum, whiskey, gin, wine, beer, lager beer, ale, porter, stout, and all liquid beverages and articles containing alcohol obtained by fermentation or otherwise; to create a Department of "Alcoholic Beverage Control", and an "Alabama Beverage Control Board", and to define and provide for the functions, duties, and powers thereof; to provide for the appointment, suspension, removal, compensation, cost and expense of such Board and its members, officers, agents and employees; to provide for the manufacture, sale and distribution of such alcoholic beverages of an alcoholic content of over twenty-four (24%) percent by volume; to provide for the levying and collecting of an excise tax on the sale and distribution within this State of malt and vinous beverages of an alcoholic content of twenty-four (24%) percent or less by volume; to provide for the sale and purchase at State Liquor Stores of alcoholic beverages of an alcoholic content in excess of twenty-four (24%) percent by volume; to authorize said Board to promulgate rules and regulations governing the manufacture, sale and possession of all such beverages

within this state; to make it a misdemeanor for any person to purchase any such beverages from any person or persons, firm or corporation, except those authorized by this Act and by the Board under the provisions of this Act; to appropriate money for the administration of the Act and to provide for the disposition of the net profits collected under this Act; to provide for the confiscation and disposition of articles declared to be contraband; to impose penalties for violation of this Act; to repeal all laws and parts of laws in conflict hereto, and to provide that this Act shall constitute and be designated and cited as "The Alcoholic Beverage Control Act".

On the twelfth Legislative day was ordered to an engrossment and third reading, which motion prevailed and the Senate did reconsider said vote.

Yeas, 28; Nays, 3.

Yeas:

Messrs.:

Browder	Kuykendall	Rogers	Swift
Carlton	Locke	Russell	Thomas
Chesnut	Mixon	St. John	Tucker
Dorsey	Mooneyham	Simpson	Walton
Frazer	McDowell	Starnes	Weaver
Goldsmith	Richardson	Stephens	Wellborn
Kelly	Riddle	Stoddard	Woodall

—28

Nays: Messrs.: Bonner, McConnell and Walden.

Mr. Riddle offered the following amendment to the bill, H. 44, as amended by the substitute, to-wit:

Amend House bill 44 as amended by striking therefrom Section 51 as amended and adding in lieu of said section in its entirety the following:

Section 51. Upon the passage of this bill, the Governor must within one week from the date of such passage and approval call an election to determine the sentiment of the voters of the State as to whether or not this act shall be put into operation. Said election must be held February 23, 1937, and shall be held and officers appointed in the manner provided by law for elections on constitutional amendments. All of the expenses of said election shall be paid as is now provided by law for holding elections on constitutional amendments and the returns from said election shall be tabulated and certified as is provided by law in elections for constitutional amendments. At said election there shall be printed on the ballot used the following form: "Do you favor the legal sale and distribution of alcoholic beverages in this State? Yes..... No" Only qualified electors may vote in said election. When the returns from said election are tabulated, the Governor

shall issue a proclamation declaring the result of same. If a majority of the electors voting in said election vote no, this act shall not go into effect and all laws prohibiting the possession, sale, manufacture, and distribution of alcoholic liquors or beverages in the State of Alabama shall remain in full force and effect. If a majority of those voting in said election vote yes, this act shall be immediately put into operation, but no liquor or other alcoholic beverages shall be sold and no license shall be issued hereunder until March 10, 1937.

If a majority of the voters voting in said election vote "Yes", the Board may on March 10, 1937, or as soon thereafter as possible, open, operate, and maintain a State Liquor Store or Stores in any wet county of this State and shall issue permits for the sale of alcoholic beverages therein as provided in this act until a referendum shall be held in such counties as herein after provided in which said counties shall vote dry. No state liquor store shall be opened or operated and no permit shall be issued for the sale of alcoholic beverages in any dry county in the State of Alabama until an election has been held under the terms of this act in which the voters in said election shall determine that alcoholic beverages can be sold in such county, and all laws existing before the passage of this act against the sale, possession, distribution, and manufacture of alcoholic beverages shall remain in full force and effect within such dry counties.

For the purpose of this section of this act the term "wet county" shall mean any county which by a majority of its voters voted for modification of the state prohibition laws in the state-wide liquor referendum held in 1935, and "dry counties" shall be construed to mean all counties which by a majority of its vote voted against the modification of the prohibition law in the state-wide referendum held in 1935. Any county in the State may change its classification from "wet" to "dry" or from "dry" to "wet" under this act in the following manner: Upon the petition of 25% of the number of voters voting in the last preceding general election filed with the probate judge of said county, said probate judge must call an election for said county to determine the sentiment of the people as to whether or not alcoholic beverages can be legally sold or distributed in said county. Said election must be held and the officers appointed to hold same in the manner provided by law for the holding of other county elections and the returns thereof tabulated and result certified as provided by law for such elections. Said election shall be held within not less than thirty nor more than forty five days from the date of the filing of said petition and notice of same shall be given by publication at least three weeks before the date of said election by such probate judge.

On the ballot to be used at such election the question shall be in the following form: "Do you favor the legal sale and distribu-

tion of alcoholic beverages within this county? Yes.....
 No.....". Only qualified voters shall vote in said election. If a majority of those voting in said election vote "yes", said county shall be wet under the terms of this section of this act until said county shall in a subsequent election held under this act change to a dry county. If a majority of the electors voting in said election vote "no", said county shall be a dry county under the terms of this act until said county at a subsequent election held under this act shall vote wet. Said elections in said counties may be held at any time after the passage of this act and its approval in the state-wide referendum to be held February 23, 1937. However, when an election is held for a county hereunder, no further election can be held in said county before the expiration of two years from the date of the holding of said election. The classification of counties as wet or dry counties after an election is held by a county hereunder shall be from the date the returns from said elections are tabulated and results officially declared.

Which was adopted.

Yeas, 23; Nays, 11.

Messrs.:

Yeas:

Browder	Mixon	Russell	Thomas
Carlton	Mooneyham	St. John	Walton
Chesnut	McConnell	Starnes	Weaver
Goldsmith	Parrish	Stephens	Wellborn
Kelly	Richardson	Stoddard	Woodall
Kuykendall	Riddle	Taylor	

—23

Messrs.:

Nays:

Bonner	Frazer	Rogers	Tucker
Cook	Locke	Simpson	Walden
Dorsey	McDowell	Swift	

—11

Mr. Frazer offered the following amendment to the bill, H. 44 as amended by the substitute, to-wit:

Amend H. B. 44 as amended by substitute by redrafting subdivision (a) of Section 8 to read as follows:

"Section 8 (a). MANAGEMENT OF ALABAMA LIQUOR STORES—Every Alabama Liquor Store shall be conducted by a person who is a resident citizen and qualified voter of the county in which such store is located, appointed by the Board, who shall be known as the 'Manager' and who shall be selected by the Board with the consent and approval of the city Commissioners or other municipal governing authority, if the store be located in a municipality or within its police jurisdiction, or with the consent and approval of the Board of Revenue and Road Commissioners or other governing authority of the county if the store be located in any county and not within a municipality or its police jurisdiction, and

under the directions of the Alcoholic Control Board, be responsible for carrying out the provisions of this Act, and the regulations adopted by the Board under this Act, as far as they relate to the conduct of such stores. Such manager may employ, only after the approval by the Board, such additional employee or employees as may be necessary for the effective operation of such store. The manager and any other employee or employees may be dismissed or discharged by the Board at any time, for cause. No manager or employee of a liquor store shall be under the age of twenty-one (21) years."

Mr. Kelly moved to table the amendment offered by Mr. Frazer to the bill, as amended by the substitute, which motion prevailed and said amendment was tabled.

Yeas, 18; Nays, 13.

Yeas:

Messrs.:

Chesnut	Mooneyham	Starnes	Thomas
Cook	Parrish	Stephens	Walton
Kelly	Richardson	Stoddard	Weaver
Kuykendall	Riddle	Taylor	Woodall
Mixon	St. John		

—18

Nays:

Messrs.:

Bonner	McConnell	Russell	Tucker
Dorsey	McDowell	Simpson	Walden
Frazer	Rogers	Swift	Wellborn
Locke			

—13

Mr. Wellborn offered the following amendment to the bill, H. 44 as amended by the substitute, to-wit:

Amend Section 4 of House Bill 44 as amended by inserting after the word "Governor" in line 3 of said section 4 as amended, the following words: "with the advice and consent of the Senate", and also by adding at the end of the third paragraph of said Section 4 as amended, the following: "provided, however, that if any member of the Board is appointed when the Senate is not in session that such member shall hold office until the Senate has had an opportunity to reject or confirm his appointment."

Which was adopted.

Yeas, 30; Nays, 2.

Yeas:

Messrs.:

Browder	Kelly	Parrish	Starnes
Chesnut	Kuykendall	Richardson	Stephens
Cook	Locke	Riddle	Stoddard
Dorsey	Mixon	Rogers	Swift
Frazer	Mooneyham	Russell	Taylor
Goldsmith	McConnell	St. John	Thomas

Tucker	Walton	Wellborn	Woodall	
Walden	Weaver			—30

Nays: Messrs.: Bonner and Simpson. —2

Mr. Walton offered the following amendment to the bill, H. 44 as amended by the substitute, to-wit:

Amend Sub-Section (c) of Section 9 of House Bill 44 as amended, so as to read as follows:

(c) Each State Liquor Store shall be required to make daily deposits of receipts in a designated State Depository to the credit of the State Treasury, depositing all receipts for the preceding day. At no time shall any manager of a State Liquor Store allow the receipts of said store to reach the sum of five thousand dollars (\$5,000.00) without depositing such receipts in designated State Depository. The Board shall each day deposit its gross receipts and all revenues received by said Board as above provided for under this Act in the General Fund of the State. The manager of each State Liquor Store and the Board shall make daily reports to the State Comptroller of all daily deposits. All claims against said monies received under the provisions of this Act shall be first audited and approved by the Board or designated agency, and all such claims so audited and approved by the said Board or designated agency must then be audited and approved by the State Comptroller and the Governor before being paid. The net profits derived from the proceeds of the State Liquor Stores under the provisions of this Act shall be paid out and applied monthly as follows: Sixty per cent shall be covered into the General Fund of the Treasury of the State; twenty per cent shall be paid into the State Treasury to the credit of the sixty-seven counties of the State, and shall be divided equally among each of said counties; twenty percent of the net profits of each Liquor Store to be paid to the municipality in which such State Store is located. Payment to be made to each of the several counties and incorporated towns and cities by warrant of the State Comptroller not later than the 20th of each month following collection.

Which was adopted.
Yeas, 30; Nays, 2.

Yeas:

Messrs.:

Bonner	Locke	Rogers	Thomas
Browder	Mixon	Russell	Tucker
Carlton	Mooneyham	St. John	Walden
Chesnut	McConnell	Starnes	Walton
Cook	McDowell	Stephens	Weaver
Goldsmith	Parrish	Stoddard	Wellborn
Kelly	Richardson	Taylor	Woodall
Kuykendall	Riddle		

—30

Nays: Messrs.: Simpson and Swift.

Mr. Kelly offered the following amendment to the bill, H. 44 as amended by the substitute, to-wit:

Amend Sub-Section (c) of Section 6 of House Bill 44 as amended, so as to read as follows:

(c) To determine the localities within which any State store shall be established and operated and the location of such store. No store shall be established in, and neither the Board nor any other person may legally buy, manufacture or sell alcoholic beverages in any county which has voted in the negative in any election called as herein provided for determining the said issue, unless and until said county has at a subsequent similar election voted in the affirmative. A county voting in the affirmative in said election is hereinafter for convenience designated a wet county. The Board shall have the power to establish and maintain State stores for the sale of liquors as herein defined. Provided, however, that municipalities may by proper zoning ordinances establish zones or districts within which such Liquor Stores may or may not be established.

Which was adopted.

Yeas, 29; Nays, 4.

Yeas:

Messrs.:

Bonner	Locke	Russell	Thomas
Browder	Mixon	St. John	Tucker
Carlton	Mooneyham	Simpson	Walden
Chesnut	McConnell	Starnes	Walton
Cook	Parrish	Stephens	Weaver
Goldsmith	Richardson	Stoddard	Wellborn
Kelly	Riddle	Taylor	Woodall
Kuykendall			

—29

Nays: Messrs.: Dorsey, Frazer, Rogers and Swift.

—4

Mr. Rogers offered the following amendment to the bill, H. 44 as amended by the substitute, to-wit:

Amend subdivision (a) of Section 8 of H. B. 44, as amended by substitute, by adding as the last sentence in the paragraph designated "a" the following:—"The person appointed by the Board and designated as 'Manager' must be a resident citizen and qualified voter of the county in which the store is located."

Which was adopted.

Yeas, 32; Nays, 1.

Yeas:

Messrs.:

Bonner	Cook	Kuykendall	McConnell
Browder	Dorsey	Locke	McDowell
Carlton	Frazer	Mixon	Parrish
Chesnut	Kelly	Mooneyham	Richardson

Riddle	Starnes	Taylor	Walton
Rogers	Stephens	Thomas	Weaver
Russell	Stoddard	Tucker	Wellborn
Simpson	Swift	Walden	Woodall

—32

Nay: Mr. Goldsmith.

—1

Mr. Dorsey offered the following amendment to the bill, H. 44 as amended by the substitute, to-wit:

Amend H. B. 44 as amended by substitute by adding to end of subsection (c) of Section 9 of the following:

"No liquor store shall be placed or maintained outside an incorporated municipality, provided that in counties not having an incorporated municipality such store may be placed in the county seat.

Which was adopted.

Yeas, 32; Nays, 1.

Yeas:

Messrs.:

Bonner	Kuykendall	Riddle	Taylor
Browder	Locke	Rogers	Thomas
Carlton	Mixon	Russell	Tucker
Chesnut	Mooneyham	St. John	Walden
Cook	McConnell	Simpson	Walton
Dorsey	McDowell	Starnes	Weaver
Frazer	Parrish	Stephens	Wellborn
Kelly	Richardson	Stoddard	Woodall

—32

Nay: Mr. Goldsmith.

—1

Mr. Woodall offered the following amendment to the bill, H. 44 as amended by the substitute, to-wit:

Amend House bill 44 as amended by the substitute by adding to sub-section "L" of Section 2 thereof a comma after the word "State" and adding the words "and its police jurisdiction."

Which was adopted.

Yeas, 32; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Riddle	Swift
Browder	Locke	Rogers	Taylor
Carlton	Mixon	Russell	Tucker
Chesnut	Mooneyham	St. John	Walden
Cook	McConnell	Simpson	Walton
Dorsey	McDowell	Starnes	Weaver
Goldsmith	Parrish	Stephens	Wellborn
Kelly	Richardson	Stoddard	Woodall

—32

Nays:—None.

And said bill, H. 44, as thus amended, was again read a third time at length and passed.

Yeas, 28; Nays, 6.

Yeas:

Messrs.:

Browder	Kuykendall	Russell	Thomas
Carlton	Locke	St. John	Tucker
Chesnut	Mooneyham	Simpson	Walden
Dorsey	McDowell	Starnes	Walton
Frazer	Richardson	Stephens	Weaver
Goldsmith	Riddle	Stoddard	Wellborn
Kelly	Rogers	Swift	Woodall

—28

Nays:

Messrs.:

Bonner	Mixon	Parrish	Taylor
Cook	McConnell		

—6

RECESS

At 1:20 P. M., on motion of Mr. Dorsey the Senate took a recess until 2:45 this afternoon.

AFTERNOON SESSION—FIFTEENTH DAY

Friday, January 15th, 1937.

The Senate re-assembled at 2:45 P.M., Lieutenant-Governor Knight presiding.

ROLL CALL

Present:

Messrs.:

Bonner	Locke	Rogers	Taylor
Browder	Mixon	Russell	Thomas
Carlton	Mooneyham	St. John	Tucker
Chesnut	McConnell	Simpson	Walden
Dorsey	McDowell	Starnes	Walton
Frazer	Parrish	Stephens	Weaver
Goldsmith	Richardson	Stoddard	Wellborn
Kelly	Riddle	Swift	Woodall
Kuykendall			

—33

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Merrill:

H. 262. To authorize and empower the Courts of County Commissioners and/or Boards of Revenue, and/or other Governing Bodies of all counties of Alabama which now have or may hereafter have a population of less than fifteen thousand, according to the last, or any subsequent Federal census, to transfer any funds (except school monies, sinking funds, and the Road and Bridge Fund) that may be received by the county, to the general fund of the county at any meeting of said Court, or Board of Revenue or Governing Body and to ratify like transfers heretofore made and to repeal all laws and parts of laws in conflict with this section.

Also:

By Mr. Hill:

H. 234. To amend the caption and Sections 2, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16 and 18 and to repeal Sections 21, 22 and 23 of an Act entitled, "An Act to establish a more humane system for caring for the needy aged in the State Alabama and the several counties thereof by providing for old age pensions; to define the persons entitled thereto, and to provide for the ascertainment and determination of the qualifications of applicants therefor; to further provide for and regulate the payment of pensions under Article I of Chapter 55 of the Code of Alabama of 1923, as amended; to provide for the payment thereof; to make an appropriation for the same; to provide for a lien on the property of certain recipients of old age pensions and to provide for the enforcement thereof, to provide for the administration of such system and to define offenses against this Act and to fix punishment for such offenses; and to provide for co-operation with the Government of the United States and its agencies in caring for the needy aged; and to repeal all laws in conflict herewith," approved September 14, 1935.

Also:

By Mr. Ellis:

H. 264. To prohibit the use of steel traps and similar devices in Shelby County, Alabama, and prescribe punishment for the Violation of this Act.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that the following Bill will be introduced in the present Special Session of the Legislature of Alabama, for the purpose of having it enacted into law:

AN ACT

To prohibit the use of steel traps and similar devices in Shelby County, Alabama, and prescribe punishment for the Violation of this act:

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That it shall be unlawful for any person, firm or corporation to use any steel trap or other similar device in Shelby County, Alabama, for any purpose whatsoever, except as herein expressly provided.

Section 2. That any person violating the provisions of this act shall be guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than twenty-five dollars for each offense and may also be imprisoned in the County jail or sentenced to hard labor for the County for not more than six months.

Section 3. Provided, however, that any resident of this county may set such steel trap or similar device only within the curtilage of his home.

Section 4. This act shall become effective on the approval of the Governor.

**THE STATE OF ALABAMA,
SHELBY COUNTY.**

Personally appeared before me, L. C. Walker, Judge of Probate, in and for said County, Frank Head, who being duly sworn according to law deposes and says that he is the publisher of The Shelby County Democrat, a newspaper published in said county, and that publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper 4 weeks consecutively, to-wit, in the issues thereof dated as follows: December 3, 10, 17, 24, 1936.

FRANK HEAD,
Publisher,

Printers fee \$8.75.

Subscribed and sworn to before me this 26 day of Dec. 1936.

L. C. WALKER,
Judge of Probate.

Also:

By Mr. Tolbert:

H. 251. To provide for the payment to the Clerk and Sheriff of DeKalb County of costs and fees accruing after the passage of this Act which would otherwise be payable out of the Fine and Forfeiture Fund of DeKalb County to be paid quarterly out of the General Fund of said County instead of out of the Fine and Forfeiture Fund of said County; to provide for the method, manner and time of payment of the same and make the same a preferred claim against the General Fund of said County, and to provide that nothing in this Act contained shall otherwise affect the law with reference to the Fine and Forfeiture Fund of DeKalb County.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that the following bill will be introduced at the Special Session of the Legislature of Alabama for the purpose of enacting the same into law.

AN ACT

To provide for the payment to the Clerk and Sheriff of DeKalb County of costs and fees accruing after the passage of this Act which would otherwise be payable out of the Fine and Forfeiture Fund of DeKalb County to be paid quarterly out of the General Fund of said County instead of out of the Fine and Forfeiture Fund of said County; to provide for the method, manner and time of payment of the same and make the same a preferred claim against the General Fund of said County, and to provide that nothing in this Act contained shall otherwise affect the law with reference to the Fine and Forfeiture Fund of DeKalb County.

Be it enacted by the Legislature of Alabama:

Section 1. That on and after the passage and approval of this Act all costs and fees that accrue to the Clerk and Sheriff of DeKalb County, Alabama, which would otherwise be a legal claim against the Fine and Forfeiture Fund of DeKalb County, Alabama, in favor of such Clerk and Sheriff shall be paid quarterly to such Clerk and Sheriff out of the General Fund of DeKalb County, Alabama, instead of being paid out of the Fine and Forfeiture Fund of said County, and which shall be a preferred claim on the General Fund of said County, but in no event shall said cost and fees exceed (\$600.00) Six Hundred Dollars annually for either Clerk or Sheriff of said County. Said Clerk and Sheriff shall itemize quarterly and file with the Court of County Commissioners of DeKalb County a statement of such costs and fees under oath and when so filed must be allowed as a claim against the General Fund and for which warrant must be immediately drawn, payable to such Clerk or Sheriff for such fees and costs, but nothing in this Bill contained shall otherwise than as herein specified affect any of the laws with reference to the Fine and Forfeiture Funds of DeKalb County.

STATE OF ALABAMA }
DeKALB COUNTY }

I, E. O. Davidson, owner and publisher of The Fort Payne Journal, a weekly newspaper published in DeKalb County, Alabama, do hereby certify that the above notice has been published in The Fort Payne Journal in the issues of December 16th, 23rd, and 30th, 1936, and January 6th, 1937.

E. O. DAVIDSON,

Owner and Publisher of The Fort Payne Journal.

Sworn to and subscribed before me, this 6 day of Jan., 1937.

L. G. McPHERSON,

(Seal)

Circuit Clerk.

Also:

By Mr. Dominick:

H. 273. To amend Section 6 of an act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt, and for the public schools," approved September 6, 1935, Acts of 1935, page 792.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read one time at length and referred to appropriate standing committees as follows:

House bills 262, 234, 273—To the Committee on Finance and Taxation.

House bills 264, 251,—To the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in the Senate amendments to the following House bills:

By Mr. Chichester:

H. 70. To amend Schedule 154 of Article XIII, Chapter I of Section 348 of an Act approved July 10, 1935, entitled "An Act to provide for the general revenue of the State of Alabama".

Also:

By Mr. Robertson:

H. 39. To authorize the Governor to purchase copies of "Simon's Compilation of Alabama Revenue Laws" to be paid for out of the departmental funds of the departments affected.

Also:

By Mr. Denson:

H. 89. To provide for the granting of a free scholarship in certain schools of the State of Alabama, to the value of one hundred dollars each year, upon the donation to the State by the American Legion or the American Legion Auxiliary of the State of Alabama of the sum of twelve hundred and fifty dollars for the securing of each such scholarship.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 24. To amend Sections 1, 2, 5 and 6 of an Act entitled "An Act to Promote the Objects of the National Housing Act by authorizing banks, savings banks, trust companies, insurance companies and building and loan associations to make loans pursuant

to Titles I and II of the National Housing Act, and by authorizing banks, savings banks, trust companies, insurance companies, building and loan associations, to invest in mortgages insured, and in debentures issued, by the Federal Housing Administrator, and to invest in securities of National Mortgage Associations," approved January 31, 1935, as amended by an Act approved August 15, 1935, and as further amended by an Act approved April 15, 1936, for clarification purposes.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Messrs. Chichester and McDermott:

H. 259. To further provide for the redemption of real estate heretofore sold for taxes and, prior to January 1, 1935, bid in by the State at tax sale.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read one time at length and referred to appropriate standing committee as follows:

H. 259—To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Lusk:

H. 126. To amend Section 8280 of the Code of Alabama.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read one time at length and referred to appropriate standing committees as follows:

H. 126—To the Committee on Revision of Laws.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Ellis:

H. 275. To amend Section 18 of Act entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled 'An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system and for other purposes; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act," approved September 14, 1935, as amended by an Act entitled "An Act to amend Section 18 of an Act approved September 14, 1935, and entitled 'An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation

of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system and for other purposes;" to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act, to regulate alienation of benefits; to provide penalties for failure to comply with or violation of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act" approved April 21, 1936.

Also:

By Mr. Dominick:

H. 105. To amend Section 11 of an Act of the Legislature approved September 2, 1935, entitled "An Act to provide for the public safety; to regulate the operation of motor vehicles on the public highways; to provide for the registration and licensing of drivers or operators of motor vehicles and to fix the fees therefor; to authorize the State Highway Commission with the approval of the Governor to establish and promulgate reasonable rules and regulations concerning the operation of motor vehicles; to provide punishment and penalties for the violation of the provisions of this Act and of the rules and regulations authorized hereby; to provide for the suspension and revocation of drivers' licenses issued; to authorize the appointment or employment of the necessary officers and agents, and the purchase of the necessary equipment to make the provisions hereof effective; and to provide for the compensation of the officers and agents so employed". (Acts 1935, Page 756.)

Also:

By Mr. Johnston:

H. 72. To amend Schedule 155.7 of Section 348 of Article XIII, Chapter 3, of an act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Also:

By Mr. Hill:

H. 235. To repeal an Act entitled, "An Act to amend an Act to establish a more human system for caring for the needy aged in the State of Alabama and the several counties thereof by providing for old age pensions; to define the persons entitled thereto,

and to provide for the ascertainment and determination of the qualifications of applicants therefor; to further provide for and regulate the payment of pensions under Article 1 of Chapter 55 of the Code of Alabama of 1923, as amended; to provide for the payment thereof; to make an appropriation for the same; to provide for a lien on the property of certain recipients of old age pensions and to provide for the enforcement thereof, to provide for the administration of such system and to define offenses against this Act and to fix punishment for such offenses, and to provide for cooperation with the Government of the United States and its agencies in caring for the needy aged; and to repeal all laws in conflict herewith, Approved April 21, 1936."

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read one time at length and referred to appropriate standing committees as follows:

House bills 275, 72, 235—To the Committee on Finance and Taxation.

H. 105—To the Committee on Public Roads and Highways.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following:

By Rules Committee:

H. J. R. 48. Be it Resolved by the House, the Senate concurring, that when the two Houses adjourn today they adjourn to meet again Tuesday, January 26, 1937, at 11 A. M.

Be it further Resolved, that members of the Legislature shall not be paid their per diem during the recess.

Be it further Resolved, that the Clerk of the House, Assistant Clerk, Reading Clerk, Chief Clerk, Second Assistant Clerk, and a skeleton force, to be approved by the Speaker of the House, and the Secretary of the Senate, Assistant Secretary, Second Asst. Secretary, Chief Clerk and a skeleton force, to be approved by the Lieutenant-Governor, shall be retained during the recess and shall be paid the per diem allowed by law. The offices of the Clerk of the House and Secretary of the Senate shall be kept open during the

recess for the transaction of necessary business. No other legislative employes shall be paid their per diem during the recess.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

H. J. R. 48, set out in the foregoing Message from the House, on motion of Mr. Wellborn was concurred in and adopted.

Yeas, 16; Nays, 15.

Yeas:

Messrs.:

Carlton	Kuykendall	Starnes	Tucker
Chesnut	Parrish	Stephens	Walden
Frazer	Richardson	Stoddard	Walton
Goldsmith	Riddle	Taylor	Wellborn

—16

Nays:

Messrs.:

Bonner	Mixon	Russell	Thomas
Browder	McConnell	St. John	Weaver
Dorsey	McDowell	Simpson	Woodall
Locke	Rogers	Swift	

—15

BILLS ON THIRD READING

The bill:

S. 86. To authorize and empower the Board of County Commissioners of Pike County, Alabama, to transfer and assign, sell or pledge not more than one-third (1/3) of the County's part of the Gasoline taxes now or hereafter levied by the State of Alabama and divided among the sixty-seven counties of the state, for a period not exceeding fifteen (15) years, and to authorize the issuance and sale of warrants, securities, debentures or assignments of said taxes, and to provide for the payment of such warrants, debentures, securities or assignments out of such county's part of such gasoline taxes; and to provide for the use of such proceeds of sale of such securities in the construction, maintenance, repair surfacing, hard surfacing, or re-surfacing of roads and bridges, and the matching of funds with the State of Alabama and/or the United States of America, for Highway and Bridge purposes; and to further provide for authority for the County for the deposit of such proceeds with the State of Alabama for Highway or bridge purposes.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Swift
Browder	Kuykendall	Rogers	Thomas
Carlton	Mixon	Russell	Tucker
Chesnut	Mooneyham	St. John	Walden
Dorsey	McConnell	Simpson	Weaver
Frazer	McDowell	Stephens	Wellborn
Goldsmith	Richardson	Stoddard	Woodall

—28

Nays:—None.

The bill:

H. 236. To authorize, require and provide for the payment of \$1263.60 by the Treasurer of Pike County, and for the payment of \$235.18 by the Custodian of Public School Funds of Pike County, for the relief of C. B. Somerset, former tax collector of Pike County, said sums being the amounts paid by him to said Treasurer and said Custodian on charges for interest on deferred settlements for the tax years 1931, 1932 and 1933.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Swift
Browder	Kuykendall	Rogers	Thomas
Carlton	Mixon	Russell	Tucker
Chesnut	Mooneyham	St. John	Walden
Dorsey	McConnell	Simpson	Weaver
Frazer	McDowell	Stephens	Wellborn
Goldsmith	Richardson	Stoddard	Woodall

—28

Nays:—None.

The bill:

H. 210. For the relief of Curtis Baker, by payment to him of funds expended by him for hospital bill and Doctor's bill and other expenses on account of being injured while in the employ of Russell County, Alabama, and while in the line of and in the performance of his duties as an employee of Russell County, State of Alabama.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Chesnut	Goldsmith	Mixon
Browder	Dorsey	Kelly	Mooneyham
Carlton	Frazer	Kuykendall	McConnell

McDowell
Richardson
Riddle
Rogers

Russell
St. John
Simpson
Stephens

Stoddard
Swift
Thomas
Tucker

Walden
Weaver
Wellborn
Woodall

—28

Nays:—None.

The bill:

H. 211. To amend Sections 27 and 28 of an Act entitled an act to establish an additional or branch court house at Phenix City, in Russell County, Alabama; to divide the county into Northern and Southern divisions for such circuit court and to fix the boundary line between the two; To provide for the manner and form of the process for causes to be heard in the different divisions; to require certain officers of the county to keep an office at such branch court house; to fix the duties and compensation for such officers; to provide for grand and petit juries; to fix the jurisdiction and venue of each division of both civil and criminal cases, and to provide for the removal of such cases from one division to the other; to provide the method of appeal from inferior courts to the respective divisions of the Circuit Court; to fix requirements as to the confinement of prisoners in the county jail; to provide for the jury and non-jury terms of circuit court in said divisions; to fix the method of determining said terms; To provide for regular and special meetings of the Board of Revenue of said County in each division; to declare and fix the duties of the Judge of Probate with reference to said branch office and the two divisions; to provide for the penalty to comply with his duty and to fix compensation therefor; to provide for the holding of county court in each division and the jurisdiction of cases as to the said divisions; to provide for the appointment of a deputy clerk and fix his compensation; To require Phenix City, in Russell County, Alabama, to furnish quarters for said county officers, safekeeping of the records thereof, and for the furnishing of said offices with furniture, fixtures, equipment, etc. To provide for the furnishing of books and stationary by the County; to fix the method and time by which said Act shall be and be declared to be operate and effective and the time within which the first term of the circuit court shall be held in said Northern Division; to fix the duties and provide the compensation of the tax collector and tax assessor with reference to said branch or additional court house and division; approved August 11, 1927; by providing for compensation to be paid the deputy tax collector and the deputy tax assessor of Russell County out of the general fund of the county.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Swift
Browder	Kuykendall	Rogers	Thomas
Carlton	Mixon	Russell	Tucker
Chesnut	Mooneyham	St. John	Walden
Dorsey	McConnell	Simpson	Weaver
Frazer	McDowell	Stephens	Wellborn
Goldsmith	Richardson	Stoddard	Woodall

—28

Nays:—None.

The bill:

H. 212. To create a County Court for Russell County, Alabama; to provide for its jurisdiction, its officers, fix their powers, duties and compensation; to provide for a trial tax, and its disposition.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Swift
Browder	Kuykendall	Rogers	Thomas
Carlton	Mixon	Russell	Tucker
Chesnut	Mooneyham	St. John	Walden
Dorsey	McConnell	Simpson	Weaver
Frazer	McDowell	Stephens	Wellborn
Goldsmith	Richardson	Stoddard	Woodall

—28

Nays:—None.

The bill:

H. 201. To alter and enlarge the corporate limits of the Town of Geneva, Geneva County, Alabama, and to re-arrange and to define the boundaries thereof.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Riddle	Swift
Browder	Mixon	Rogers	Thomas
Carlton	Mooneyham	Russell	Tucker
Chesnut	McConnell	St. John	Walden
Dorsey	McDowell	Simpson	Weaver
Frazer	Parrish	Stephens	Wellborn
Kelly	Richardson	Stoddard	Woodall

—28

Nays:—None.

The bill:

H. 220. For the relief of Howard Shoemaker and to appropriate for the use of the said Howard Shoemaker the sum of \$1000.00 from the general fund of Morgan County, Alabama, for the loss of his right eye while employed by the County of Morgan in road repair work on November 16, 1934, and to direct how the same shall be paid.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Swift
Browder	Kuykendall	Rogers	Thomas
Carlton	Mixon	Russell	Tucker
Chesnut	Mooneyham	St. John	Walden
Dorsey	McConnell	Simpson	Weaver
Frazer	McDowell	Stephens	Wellborn
Goldsmith	Richardson	Stoddard	Woodall

—28

Nays:—None.

The bill:

H. 241. To authorize the Court of County Commissioners of Butler County, Alabama, to allow as a claim against said County and to pay to Mrs. Isabell Black, widow and administratrix of J. W. Black, deceased the sum of \$472.70, the amount of actual damages and expenses incurred and arising out of the injuries sustained by the said J. W. Black, resulting in his death from the collapse of a bridge over a creek on a public highway in Butler County, Alabama, known as the Georgiana and Starlington road in said County, while the said J. W. Black was driving a truck across said bridge, on to wit: the 13th day of March, 1936, which bridge and highway were at the time being maintained by said County.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Swift
Browder	Kuykendall	Rogers	Thomas
Carlton	Mixon	Russell	Tucker
Chesnut	Mooneyham	St. John	Walden
Dorsey	McConnell	Simpson	Weaver
Frazer	McDowell	Stephens	Wellborn
Goldsmith	Richardson	Stoddard	Woodall

—28

Nays:—None.

The bill:

H. 247. To amend an Act, entitled An Act to establish the Inferior Court of Autauga County, Alabama, in lieu of all Justices of the Peace and Notaries Republic Ex-Officio Justices of the Peace, in Prattville Percinct, or Precinct No. 1, of Autauga County, Alabama; to define the jurisdiction and powers of said Court and the Judge thereof, and other officers of said Court, and the manner of their appointment or election, the payment of their salaries, approved September 26th, 1923, as appears in Local Acts, 1923 at pages 224 et seq., as amended by an Act approved June 27th, 1935, as the same appears in Local Acts, 1935 at pages 82 et seq., and that Sections 7 and 8 of the Act approved June 27th, 1935, be and are hereby amended to read as follows:

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Swift
Browder	Kuykendall	Rogers	Thomas
Carlton	Mixon	Russell	Tucker
Chesnut	Mooneyham	St. John	Walden
Dorsey	McConnell	Simpson	Weaver
Frazer	McDowell	Stephens	Wellborn
Goldsmith	Richardson	Stoddard	Woodall

—28

Nays:—None.

The bill:

H. 242. To Alter and Re-arrange The Boundaries Of The City of Sylacauga, Talladega County, Alabama.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Swift
Browder	Kuykendall	Rogers	Thomas
Carlton	Mixon	Russell	Tucker
Chesnut	Mooneyham	St. John	Walden
Dorsey	McConnell	Simpson	Weaver
Frazer	McDowell	Stephens	Wellborn
Goldsmith	Richardson	Stoddard	Woodall

—28

Nays:—None.

The bill:

H. 227. To repeal an Act entitled, "To provide for the payment in Pickens County, Alabama, of a license or privilege tax on

gasoline and other motor fuel and to provide for the collection thereof and penalties for violation thereof”.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Carlton	Kuykendall	Richardson	Stephens
Chesnut	Locke	Riddle	Stoddard
Cook	Mixon	Rogers	Swift
Dorsey	Mooneyham	Russell	Taylor
Frazer	McConnell	St. John	Thomas
Goldsmith	McDowell	Simpson	Tucker
Kelly	Parrish	Starnes	Walden

—28

Nays:—None.

The bill:

H. 186. To provide for the relief of W. G. Culp, Ex-Tax Collector of Chilton County, Alabama and to authorize and direct the payment to him the sum of \$160.25 out of the General Fund of Chilton County, Alabama, same having been paid by him to the State of Alabama for the use of Chilton County, Alabama, as interest on certain taxes collected by him and on which funds he received no benefit.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Swift
Browder	Kuykendall	Rogers	Thomas
Carlton	Mixon	Russell	Tucker
Chesnut	Mooneyham	St. John	Walden
Dorsey	McConnell	Simpson	Weaver
Frazer	McDowell	Stephens	Wellborn
Goldsmith	Richardson	Stoddard	Woodall

—28

Nays:—None.

The bill:

H. 187. To provide for the Relief of J. T. Rockett, Ex-Tax Collector of Chilton County, Alabama, and to authorize and direct the payment to him of the sum of \$132.99 out of the General Fund of Chilton County, Alabama, same having been paid by him to the State of Alabama for the use of Chilton County, Alabama, as interest on certain taxes collected by him and on which funds he received no benefit.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Swift
Browder	Kuykendall	Rogers	Thomas
Carlton	Mixon	Russell	Tucker
Chesnut	Mooneyham	St. John	Walden
Dorsey	McConnell	Simpson	Weaver
Frazer	McDowell	Stephens	Wellborn
Goldsmith	Richardson	Stoddard	Woodall

—28

Nays:—None.

The bill:

H. 188. To provide for the relief of J. T. Rockett, Ex-Tax Collector of Chilton County, Alabama and to authorize and direct the payment to him of the sum of \$102.34 out of the General School Funds of Chilton County, Alabama, same having been paid by him to the State of Alabama for the use of the Board of Education of Chilton County, Alabama, and received by said Board as interest on taxes collected by him while Tax Collector of Chilton County, Alabama, and on which taxes he received no benefit.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Swift
Browder	Kuykendall	Rogers	Thomas
Carlton	Mixon	Russell	Tucker
Chesnut	Mooneyham	St. John	Walden
Dorsey	McConnell	Simpson	Weaver
Frazer	McDowell	Stephens	Wellborn
Goldsmith	Richardson	Stoddard	Woodall

—28

Nays:—None.

The bill:

H. 189. To provide for the relief of W. G. Culp, Ex-Tax Collector of Chilton County, Alabama and to authorize and direct the payment to him of the sum of \$166.64 out of the General School Funds of Chilton County, Alabama, same having been paid by him to the State of Alabama, for the use of the Board of Education of Chilton County, Alabama and received by said Board as interest on taxes collected by him while tax Collector of Chilton County, Alabama, and on which taxes he received no benefit.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Swift
Browder	Kuykendall	Rogers	Thomas
Carlton	Mixon	Russell	Tucker
Chesnut	Mooneyham	St. John	Walden
Dorsey	McConnell	Simpson	Weaver
Frazer	McDowell	Stephens	Wellborn
Goldsmith	Richardson	Stoddard	Woodall

—28

Nays:—None.

The bill:

H. 124. For the relief of W. A. Lowman Superintendent of Education of Crenshaw County, Alabama.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Swift
Browder	Kuykendall	Rogers	Thomas
Carlton	Locke	Russell	Tucker
Chesnut	Mooneyham	St. John	Walden
Dorsey	McConnell	Simpson	Weaver
Frazer	McDowell	Stephens	Wellborn
Goldsmith	Richardson	Stoddard	Woodall

—28

Nays:—None.

The bill:

H. 216. To establish a board of Revenue for Wilcox County, and for the abolishment of the Court of County Commissioners of said County.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Swift
Browder	Kuykendall	Rogers	Thomas
Carlton	Mixon	Russell	Tucker
Chesnut	Mooneyham	St. John	Walden
Dorsey	McConnell	Simpson	Weaver
Frazer	McDowell	Stephens	Wellborn
Goldsmith	Richardson	Stoddard	Woodall

—28

Nays:—None.

The bill:

H. 170. For the relief of Harold E. Booth by authorizing and requiring the Board of Revenue and Road Commissioners of Mobile County, Alabama, to issue to him a warrant for Sixteen Hundred Fifty-Three & 35/100 (\$1,653.35) Dollars, in payment for oyster shells furnished by him and used on a public road in said County, and directing and requiring the Treasurer of said County to pay such warrant.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Swift
Browder	Kuykendall	Rogers	Thomas
Carlton	Mixon	Russell	Tucker
Chesnut	Mooneyham	St. John	Walden
Dorsey	McConnell	Simpson	Weaver
Frazer	McDowell	Stephens	Wellborn
Goldsmith	Richardson	Stoddard	Woodall

—28

Nays:—None.

The bill:

H. 209. For the relief of William J. O'Connor as official stenographer for the State Solicitor for the Thirteenth Judicial Circuit of Alabama (Mobile County); to provide compensation for the months of June, July, August and part of September, 1935, to be paid out of the General Funds of Mobile County, Alabama; to provide for said official stenographer to draw a warrant on the Treasurer of Mobile County, Alabama, for said compensation and to direct the Treasurer of Mobile County, Alabama, to register and pay said warrant out of the County Treasurer of Mobile County, Alabama, as a preferred claim.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Swift
Browder	Kuykendall	Rogers	Thomas
Carlton	Mixon	Russell	Tucker
Chesnut	Mooneyham	St. John	Walden
Dorsey	McConnell	Simpson	Weaver
Frazer	McDowell	Stephens	Wellborn
Goldsmith	Richardson	Stoddard	Woodall

—28

Nays:—None.

The bill:

H. 208. To amend Section 1 of an act entitled "To provide for a more economical, convenient and uniform system of assessing

and collecting taxes on real estate, including the enforcement of tax liens, in all Counties having a population of 110,000 or more, according to the last, or any succeeding Federal Census," so as to provide for a minimum population of not less than 200,000 people.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Swift
Browder	Kuykendall	Rogers	Thomas
Carlton	Mixon	Russell	Tucker
Chesnut	Mooneyham	St. John	Walden
Dorsey	McConnell	Simpson	Weaver
Frazer	McDowell	Stephens	Wellborn
Goldsmith	Richardson	Stoddard	Woodall

—28

Nays:—None.

ORDER TO PRINT

On motion of Mr. Simpson 500 copies of the Senate amendments to the bill:

H. 44. To promote temperance and suppress the evils of intemperance; to regulate and control the manufacture, purchase, bottling, sale, distribution, transportation, handling, advertising, possession, dispensing, drinking and use of alcohol, brandy, rum, whiskey, gin, wine, beer, lager beer, ale, porter, stout, and all liquid beverages and articles containing alcohol obtained by fermentation or otherwise; to create a Department of "Alcoholic Beverage Control", and an "Alabama Beverage Control Board", and to define and provide for the functions, duties, and powers thereof; to provide for the appointment, suspension, removal, compensation, cost and expense of such Board and its members, officers, agents and employees; to provide for the manufacture, sale and distribution of such alcoholic beverages of an alcoholic content of over twenty-four (24%) percent by volume; to provide for the levying and collecting of an excise tax on the sale and distribution within this State of malt and vinous beverages of an alcoholic content of twenty-four (24%) percent or less by volume; to provide for the sale and purchase at State Liquor Stores of alcoholic beverages of an alcoholic content in excess of twenty-four (24%) percent by volume; to authorize said Board to promulgate rules and regulations governing the manufacture, sale and possession of all such beverages within this State; to make it a misdemeanor for any person to purchase any such beverages from any person or persons, firm or corporation, except those authorized by this Act and by the Board under the provisions of this Act; to appropriate money for the

administration of the Act and to provide for the disposition of the net profits collected under this Act; to provide for the confiscation and disposition of articles declared to be contraband; to impose penalties for violation of this Act; to repeal all laws and parts of laws in conflict hereto, and to provide that this Act shall constitute and be designated and cited as "The Alcoholic Beverage Control Act".

Were ordered printed for the use of the members of the Legislature.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bill, your signature thereto is requested:

H. 39. To authorize the Governor to purchase copies of "Simon's Compilation of Alabama Revenue Laws" to be paid for out of the departmental funds of the departments affected.

E. F. Taylor,
Clerk.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing message from the House.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Fifteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the Fifteenth Legislative day approved by the Senate.

ADJOURNMENT

At 3:55 P. M., on motion of Mr. Simpson and in accordance with joint resolution heretofore adopted, the Senate adjourned until Tuesday, January 26, 1937, at 11 A. M.

SIXTEENTH DAY

Tuesday, January 26th, 1937.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The session was opened with prayer by Rev. H. G. Earnest, Doorkeeper of the Senate.

ROLL CALL

Present:

Messrs.:

Bonner
Browder
Carlton
Chesnut
Cook
Dorsey
Frazer
Goldsmith
Kelly

Kuykendall
Locke
Mixon
Mooneyham
McConnell
McDowell
Parrish
Richardson

Riddle
Rogers
Russell
St. John
Simpson
Stephens
Stoddard
Swift

Taylor
Thomas
Tucker
Walden
Walton
Weaver
Wellborn
Woodall

—33

JOURNAL

On motion of Mr. Tucker the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bill with the engrossed and original bill, respectively, and finds same correctly enrolled, to-wit:

S. 24. To amend Sections 1, 2, 5 and 6 of an Act entitled "An Act to Promote the Objects of the National Housing Act by au-

thorizing banks, savings banks, trust companies, insurance companies and building and loan associations to make loans pursuant to Titles I and II of the National Housing Act, and by authorizing banks, savings banks, trust companies, insurance companies, building and loan associations, to invest in mortgages insured, and in debentures issued, by the Federal Housing Administrator, and to invest in securities of National Mortgage Associations," approved January 31, 1935, as amended by an Act approved August 15, 1935, and as further amended by an Act approved April 15, 1936, for clarification purposes.

Earl Thomas,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing report from the Committee on Enrolled bills.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested.

H. 70. To amend Schedule 154 of Article XIII, Chapter 1 of Section 348 of an Act approved July 10, 1935, entitled "An Act to provide for the general revenue of the State of Alabama."

Also:

H. 89. To provide for the granting of a free scholarship in certain schools of the State of Alabama, to the value of one hundred dollars each year, upon the donation to the State by the American Legion or the American Legion Auxiliary of the State of Alabama of the sum of twelve hundred and fifty dollars for the securing of each such scholarship.

Also:

H. 124. For the relief of W. A. Lowman Superintendent of Education of Crenshaw County, Alabama.

Also:

H. 170. For the relief of Harold E. Booth by authorizing and requiring the Board of Revenue and Road Commissioners of Mo-

bile County, Alabama, to issue to him a warrant for Sixteen Hundred Fifty-Three & 35/100 (\$1,653.35) Dollars, in payment for oyster shells furnished by him and used on a public road in said County, and directing and requiring the Treasurer of said County to pay such warrant.

Also:

H. 186. To provide for the relief of W. G. Culp, Ex-Tax Collector of Chilton County, Alabama, and to authorize and direct the payment to him the sum of \$160.25 out of the General Fund of Chilton County, Alabama, same having been paid by him to the State of Alabama for the use of Chilton County, Alabama, as interest on certain taxes collected by him and on which funds he received no benefit.

Also:

H. 187. To provide for the Relief of J. T. Rockett, Ex-Tax Collector of Chilton County, Alabama, and to authorize and direct the payment to him of the sum of \$132.99 out of the General Fund of Chilton County, Alabama, same having been paid by him to the State of Alabama for the use of Chilton County, Alabama, as interest on certain taxes collected by him and on which funds he received no benefit.

Also:

H. 188. To provide for the relief of J. T. Rockett, Ex-Tax Collector of Chilton County, Alabama and to authorize and direct the payment to him of the sum of \$102.34 out of the General School Funds of Chilton County, Alabama, same having been paid by him to the State of Alabama for the use of the Board of Education of Chilton County, Alabama, and received by said Board as interest on taxes collected by him while Tax Collector of Chilton County, Alabama, and on which taxes he received no benefit.

Also:

H. 189. To provide for the relief of W. G. Culp, Ex-Tax Collector of Chilton County, Alabama and to authorize and direct the payment to him of the sum of \$166.64 out of the General School Funds of Chilton County, Alabama, same having been paid by him to the State of Alabama, for the use of the Board of Education of Chilton County, Alabama and received by said Board as interest on taxes collected by him while tax Collector of Chilton County, Alabama, and on which taxes he received no benefit.

Also:

H. 201. To alter and enlarge the corporate limits of the Town of Geneva, Geneva County, Alabama, and to re-arrange and to define the boundaries thereof.

Also:

H. 208. To amend Section 1 of an act entitled "To provide for a more economical, convenient and uniform system of assessing and collecting taxes on real estate, including the enforcement of tax liens, in all Counties having a population of 110,000 or more, according to the last, or any succeeding Federal Census," so as to provide for a minimum population of not less than 200,000 people.

Also:

H. 209. For the relief of William J. O'Connor as official stenographer for the State Solicitor for the Thirteenth Judicial Circuit of Alabama (Mobile County); to provide compensation for the months of June, July, August and part of September, 1935, to be paid out of the General Funds of Mobile County, Alabama; to provide for said official stenographer to draw a warrant on the Treasurer of Mobile County, Alabama, for said compensation and to direct the Treasurer of Mobile County, Alabama, to register and pay said warrant out of the County Treasury of Mobile County, Alabama, as a preferred claim.

Also:

H. 210. For the relief of Curtis Baker, by payment to him of funds expended by him for hospital bill and Doctor's bill and other expenses on account of being injured while in the employ of Russell County, Alabama, and while in the line of and in the performance of his duties as an employee of Russell County, State of Alabama.

Also:

H. 211. To amend Sections 27 and 28 of an Act entitled an act to establish an additional or branch court house at Phenix City, in Russell County, Alabama; to divide the county into Northern and Southern divisions for such circuit court and to fix the boundary line between the two; To provide for the manner and form of the process for causes to be heard in the different divisions; to require certain officers of the county to keep an office at such branch court house; to fix the duties and compensation for such officers; to provide for grand and petit juries; to fix the jurisdiction and venue of each division of both civil and criminal cases, and to provide for the removal of such cases from one division to the other; to provide the method of appeal from inferior courts to the respective divisions of the Circuit Court; to fix requirements as

to the confinement of prisoners in the county jail; to provide for the jury and non-jury terms of circuit court in said divisions; to fix the method of determining said terms; To provide for regular and special meetings of the Board of Revenue of said County in each division; to declare and fix the duties of the Judge of Probate with reference to said branch office and the two divisions; to provide for the penalty to comply with his duty and to fix compensation therefor; to provide for the holding of county court in each division and the jurisdiction of cases as to the said divisions; to provide for the appointment of a deputy clerk and fix his compensation; To require Phenix City, in Russell County, Alabama, to furnish quarters for said county officers, safekeeping of the records thereof, and for the furnishing of said offices with furniture, fixtures, equipment, etc. To provide for the furnishing of books and stationary by the County; to fix the method and time by which said Act shall be and be declared to be operate and effective and the time within which the first term of the circuit court shall be held in said Northern Division; to fix the duties and provide the compensation of the tax collector and tax assessor with reference to said branch or additional court house and division; approved August 11, 1927; by providing for compensation to be paid the deputy tax collector and the deputy tax assessor of Russell County out of the general fund of the county.

Also:

H. 212. To create a County Court for Russell County, Alabama; to provide for its jurisdiction, its officers, fix their powers, duties and compensation; to provide for a trial tax. and its disposition.

Also:

H. 216. To establish a board of Revenue for Wilcox County, and for the abolishment of the Court of County Commissioners of said County.

Also:

H. 220. For the relief of Howard Shoemaker and to appropriate for the use of the said Howard Shoemaker the sum of \$1000.00 from the general fund of Morgan County, Alabama, for the loss of his right eye while employed by the County of Morgan in road repair work on November 16, 1934, and to direct how the same shall be paid.

Also:

H. 227. To repeal an Act entitled, "To provide for the payment in Pickens County, Alabama, of a license or privilege tax on

gasoline and other motor fuel and to provide for the collection thereof and penalties for violation thereof."

Also:

H. 236. To authorize, require and provide for the payment of \$1263.60 by the Treasurer of Pike County, and for the payment of \$235.18 by the Custodian of Public School Funds of Pike County, for the relief of C. B. Somerset, former tax collector of Pike County, said sums being the amounts paid by him to said Treasurer and said Custodian on charges for interest on deferred settlements for the tax years 1931, 1932 and 1933.

Also:

H. 241. To authorize the Court of County Commissioners of Butler County, Alabama, to allow as a claim against said County and to pay to Mrs. Isabell Black, widow and administratrix of J. W. Black, deceased, the sum of \$472.70, the amount of actual damages and expenses incurred and arising out of the injuries sustained by the said J. W. Black, resulting in his death from the collapse of a bridge over a creek on a public highway in Butler County, Alabama, known as the Georgiana and Starlington road in said County, while the said J. W. Black was driving a truck across said bridge, on to wit: the 13th day of March, 1936, which bridge and highway were at the time being maintained by said County.

Also:

H. 242. To alter and re-arrange the Boundaries of the City of Sylacauga, Talladega County, Alabama.

Also:

H. 247. To amend an Act, entitled An Act to establish the Inferior Court of Autauga County, Alabama, in lieu of all Justices of the Peace and Notaries Republic Ex-Officio Justices of the Peace, in Prattville Precinct, or Precinct No. 1, of Autauga County, Alabama; to define the jurisdiction and powers of said Court and the Judge thereof, and other officers of said Court, and the manner of their appointment or election, the payment of their salaries, approved September 26th, 1923, as appears in Local Acts, 1923 at pages 224 et seq., as amended by an Act approved June 27th, 1935, as the same appears in Local Acts, 1935 at pages 82 et seq., and that Sections 7 and 8 of the Act approved June 27th, 1935, be and are hereby amended to read as follows:

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Walton:

S. 96. To amend Section 5 of an Act entitled "An Act to amend an Act entitled, 'An Act to provide for the General Revenue of the State of Alabama, Approved July 10, 1935,' by adding Schedule 155.4A and Schedule 155.4B to Section 348 of said Act, Approved December 17, 1936."

Committee on Finance & Taxation.

By Mr. Dorsey:

S. 97. To require registration of persons engaged in influencing or attempting to influence or to prevent legislation by the Legislature of Alabama, and to require reports to be filed by such persons and to provide penalties for failure to comply with the provisions of this Act, and for the making of false reports.

Committee on Revision of Laws.

By Mr. Mooneyham:

S. 98. In reference to and to further provide for the general revenue of the State of Alabama.

Committee on Finance & Taxation.

By Mr. Mooneyham:

S. 99. To propose an amendment to the Constitution of Alabama, to be known as Article.....authorizing the Legislature to levy an income tax for the calendar year 1937, and for each year thereafter; to prescribe maximum rate of said income tax; to provide minimum exemptions; to provide that income shall not be considered property for tax purposes, and to provide that the Legislature shall reduce the ad valorem tax when the revenue derived from the income tax will justify; and annulling "Article XXII" amending the Constitution of Alabama of 1901.

Committee on Finance & Taxation.

The above bill was read a first time at length as required by the Constitution.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill:

S. 47. To regulate and provide for school financing, school warrants and school tax elections and to safeguard the credit of county and city boards of education by authorizing county boards of education to issue warrants for the purpose of funding certain valid indebtedness, by validating, ratifying, approving and confirming certain warrants heretofore issued by any county or city board of education, by authorizing the issuance of warrants to refund certain of said warrants, and by validating, ratifying, approving and confirming certain school tax elections and to repeal conflicting laws.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Woodall, the Senate concurred in the following amendment to the bill, S. 47, the title of which is set out in the foregoing House Message, to-wit:

Amend caption of Senate bill 47, by adding after the words, "by authorizing county" where they occur together therein, the following words, "and city."

Yeas, 18: Nays, 0.

Yeas:

Messrs.:

Browder	Locke	Stoddard	Walton
Chesnut	McConnell	Taylor	Weaver
Cook	Richardson	Thomas	Wellborn
Kelly	Rogers	Tucker	Woodall
Kuykendall	Russell		

—18

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. McDermott:

H. 27. To provide an annual appropriation of \$500.00 out of the State Treasury, or so much thereof as may be necessary, for each of the three fiscal years ending, respectively, September 30th,

1937, 1938, and 1939, to help defray the expenses of the annual encampment and reunion of the Alabama Department, United Spanish War Veterans.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read one time at length and referred to appropriate standing committee as follows:

H. 27—To the Committee on Finance and Taxation.

RESOLUTION

Mr. Dorsey offered the following Senate joint resolution:

S. J. R. 24. BE IT RESOLVED by the Senate, the House concurring, that we ask each member of the Senate and House, and each of the employees of the Senate and House, to contribute a minimum of one day's pay to the Red Cross for the relief of the Flood sufferers in the Ohio Valley.

And on motion of Mr. Wellborn, the resolution was read and referred to the Standing Committee on Rules.

BILLS INDEFINITELY POSTPONED

On motion of Mr. Simpson, further consideration of the bill:

S. 25. To propose an amendment to the Constitution of Alabama to be known as Article_____, and to be in the following words and figures: "Article_____. All income received and taxes collected by the state except unemployment compensation funds shall be covered into the general fund in the State Treasury and no money shall be paid out of the State Treasury except by appropriation duly made by the Legislature. If the Legislature shall for any given year appropriate more money than is available, such appropriations shall be paid ratably and proportionally, except that appropriations for payments on the public debt shall receive priority. All income and taxes now pledged by the State to the payment of specific indebtedness shall remain so pledged to the extent necessary fully to meet the maturities of such indebtednesses as same accrue and current surpluses of such pledged income or tax shall become a part of the general fund in the State Treasury."

Was indefinitely postponed by the Senate.

BILLS ON THIRD READING

The bill:

S. 55. To amend Section 2220 of the Code of Alabama of 1923.

Was taken up.

Mr. Simpson offered the following substitute for the bill, to-wit:

A BILL

To be entitled An Act to Amend Section 2220 of the Code of Alabama of 1923.

Be it Enacted by the Legislature of Alabama:

That Section 2220 of the Code of Alabama of 1923 be, and the same is hereby, amended to read as follows:

Section 2220. (1405) DEED TO PURCHASER AT SALE.—The officer making such sale shall execute a deed to the purchaser, which shall convey all the right, title, and interest which the party against whose property the assessment was made, had or held in said property at the date of making such assessment, or on the date of making such sale. Any surplus arising from said sale shall be paid into the city treasury, to be kept as a separate fund by the treasurer for the owner upon the responsibility of his official bond. The council may by its agents purchase real estate sold as provided under this article, and in the event of such purchase, the deed for the same shall be made to the town or city. The recitals contained in the deed herein provided for shall be prima facie evidence of their truth in any court of this state.

Which was adopted.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Browder	Locke	Russell	Thomas
Carlton	Mixon	St. John	Tucker
Chesnut	Mooneyham	Simpson	Walden
Cook	McConnell	Stephens	Walton
Frazer	McDowell	Stoddard	Weaver
Goldsmith	Parrish	Swift	Wellborn
Kelly	Richardson	Taylor	Woodall
Kuykendall			

—29

Nays:—None.

And said bill, as thus amended, was read a third time at length and ordered sent forthwith to the House without engrossment.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:

Browder	Kuykendall	Riddle	Thomas
Carlton	Locke	Russell	Tucker
Chesnut	Mixon	St. John	Walden
Cook	Mooneyham	Simpson	Walton
Dorsey	McConnell	Stephens	Weaver
Frazer	McDowell	Stoddard	Wellborn
Goldsmith	Parrish	Swift	Woodall
Kelly	Richardson		

—30

Nays:—None.

The bill:

H. 42. To amend Schedule 158.5 of Chapter 6, Article 13, of an act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

Was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to said bill, to-wit:

Amend H. 42 by adding at the end thereof the following:

Section 2. This Act shall become effective on April 1st 1937.

Which was adopted.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Browder	Locke	Riddle	Thomas
Carlton	Mixon	Russell	Tucker
Chesnut	Mooneyham	St. John	Walden
Dorsey	McConnell	Simpson	Walton
Frazer	McDowell	Stephens	Weaver
Goldsmith	Parrish	Stoddard	Wellborn
Kelly	Richardson	Taylor	Woodall
Kuykendall			

—29

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Riddle	Thomas
Browder	Locke	Russell	Tucker
Carlton	Mixon	St. John	Walden
Chesnut	Mooneyham	Simpson	Walton
Cook	McConnell	Stephens	Weaver
Dorsey	McDowell	Stoddard	Wellborn
Goldsmith	Parrish	Taylor	Woodall
Kelly	Richardson		

—30

Nays:—None.

The bill:

H. 87. To amend Section 145 of Article V of an act entitled, "An Act to provide for the general revenue of the State of Alabama, Approved July 10, 1935."

Was taken up.

Mr. Mooneyham moved that the Senate postpone further consideration of the bill, H. 87, until the Eighteenth Legislative day, which motion was lost and the Senate refused to postpone said bill.

Yeas, 14; Nays, 18.

Yeas:

Messrs.:

Carlton	Mixon	St. John	Walton
Chesnut	Mooneyham	Stephens	Weaver
Cook	Parrish	Thomas	Woodall
Kuykendall	Richardson		

—14

Nays:

Messrs.:

Bonner	Kelly	Rogers	Taylor
Browder	Locke	Russell	Tucker
Dorsey	McConnell	Simpson	Walden
Frazer	McDowell	Swift	Wellborn
Goldsmith	Riddle		

—18

And said bill was then read a third time at length and passed.

Yeas, 17; Nays, 15.

Yeas:

Messrs.:

Bonner	McConnell	Russell	Tucker
Dorsey	McDowell	Simpson	Walden
Frazer	Riddle	Swift	Weaver
Kelly	Rogers	Taylor	Wellborn
Locke			

—17

Nays:

Messrs.:

Browder	Goldsmith	Parrish	Thomas
Carlton	Kuykendall	Richardson	Walton
Chesnut	Mixon	St. John	Woodall
Cook	Mooneyham	Stephens	

—15

RECESS

At 1:10 P. M., on motion of Mr. Kelly, the Senate took a recess until 3 o'clock this afternoon.

AFTERNOON SESSION—SIXTEENTH DAY

Tuesday, January 26th, 1937.

The Senate re-assembled at 3 P. M., Lieutenant-Governor Knight presiding.

ROLL CALL

Present:

Messrs.:

Bonner
Browder
Carlton
Chesnut
Cook
Dorsey
Frazer
Goldsmith
Kelly

Kuykendall
Locke
Mixon
Mooneyham
McConnell
McDowell
Parrish
Richardson
Riddle

Rogers
Russell
St. John
Simpson
Starnes
Stephens
Stoddard
Swift

Taylor
Thomas
Tucker
Walden
Walton
Weaver
Wellborn
Woodall

—34

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Mr. St. John:

S. 100. To foster and encourage the raising of livestock, hogs, cattle, and sheep, and the slaughter and processing of the same into meat and the storage of meat in this State by prohibiting any city or town in this State levying or collecting a privilege or license tax, either as a revenue measure or to cover the cost of inspection, on the sale at wholesale of such meat or packing house products made, processed, manufactured, or stored in another city or town in this State by any person, firm, or corporation where such person, firm or corporation pays all license and privilege taxes levied on its business by the city or town in which said products are made, processed, manufactured, or stored, and where said products have been inspected and passed by any County Board of Health in this State, or duly authorized agent thereof, or by a competent person legally designated to inspect the same by the City or town in which the same are made, processed, manufactured, or stored; to provide for the repeal of all laws in conflict with this act; and to provide when this act will become effective.

Committee on Agriculture.

By Mr. Bonner:

S. 101. To define and prevent the abuse of the lawful right to strike in furtherance of a labor dispute or dispute as to wages or

working conditions, to provide punishment and fix liability and prima facie responsibility therefor, and to provide remedies in respect thereof.

By Mr. Stoddard:

S. 102. To provide for a Board of Education for the town of Luverne, Alabama; to fix the number of the members of said Board; to provide for their election and to define their duties; to fix the term of office of each member of said Board; to relieve the County Board of Education of Crenshaw County, Alabama of all duties and responsibilities now conferred upon said County Board of Education by law with reference to the election of teachers for the schools situated in the town of Luverne, Alabama, and the school district in which the same is located.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that, at the approaching Special Session of the Legislature of Alabama, a bill will be introduced, the substance of which shall be to provide for a Board of Education for the Town of Luverne, Alabama, and to fix the number of members of said board; to provide for their election and to define their duties; to fix the term of office of each member of said board and to relieve the County Board of Education of all duties and responsibilities now conferred by law on said board with reference to the election of teachers, the disbursement of funds and all other duties, in so far as same relates to the Town of Luverne and the school district in which the same is located.

W. H. Stoddard,
Senator from the 25th Senatorial District.

AFFIDAVIT:

PROOF OF PUBLICATION

State of Alabama,
Crenshaw County.

Before the undersigned Notary Public personally came J. M. McLendon, who being duly sworn says upon oath that he is Associate Publisher of a newspaper published at Luverne, Crenshaw County, Alabama, known as The Luverne Journal & News, and that the notice of publication, a true copy of which is hereto annexed, and being entitled: Notice, was published in said newspaper, once a week for 4 consecutive weeks, to-wit in the issues of said newspaper dated: Nov. 18, 1936; Nov. 25, 1936; Dec. 2, 1936; Dec. 9, 1936.

J. M. McLendon.

Sworn and subscribed to before me this 8th day of January, 1937.

W. H. Stoddard,
Notary Public.

My Commission Expires May, 1939.

REPORTS OF COMMITTEES

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Ellis:

H. 264. "To prohibit the use of steel traps and similar devices in Shelby County, Alabama, and prescribe punishment for the violation of this act."

By Mr. Taylor (with amendment):

H. 232. To alter and re-arrange the boundaries of the city of Prichard.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following:

By Mr. Arnold:

H. J. R. 63. BE IT RESOLVED BY THE HOUSE, The Senate concurring, that when the two Houses adjourn today they adjourn to meet again on Thursday, January 28, 1937, at 10 o'clock A. M.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

Mr. St. John offered the following substitute for the resolution, H. J. R. 63, which is set out in the foregoing House Message, to-wit:

Be it resolved by the Senate, the House concurring that when the two Houses adjourn today, they adjourn to meet again Wednesday January 27 at 3:00 P. M.

And on motion of Mr. Mooneyham, said substitute was laid on the table.

Yeas, 22; Nays, 11.

Yeas:

Messrs.:

Bonner
Carlton

Chesnut
Cook

Dorsey
Frazer

Kelly
Kuykendall

Locke	McDowell	Russell	Taylor
Mixon	Parrish	Starnes	Thomas
Mooneyham	Riddle	Stoddard	Weaver
McConnell	Rogers		

—22

Nays:

Messrs.:

Browder	St. John	Swift	Wellborn
Goldsmith	Simpson	Tucker	Woodall
Richardson	Stephens	Walden	

—11

And on motion of Mr. Mooneyham, the Rules were suspended and the resolution adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the following House bill:

H. 44. To promote temperance and suppress the evils of intemperance; to regulate and control the manufacture, purchase, bottling, sale, distribution, transportation, handling, advertising, possession, dispensing, drinking and use of alcohol, brandy, rum, whiskey, gin, wine, beer, lager beer, ale, porter stout, and all liquid beverages and articles containing alcohol obtained by fermentation or otherwise; to create a Department of "Alcoholic Beverage Control", and an "Alabama Beverage Control Board", and to define and provide for the functions, duties, and powers thereof; to provide for the appointment, suspension, removal, compensation, cost and expense of such Board and its members, officers, agents and employees; to provide for the manufacture, sale and distribution of such alcoholic beverages of an alcoholic content over twenty-four (24%) percent by volume; to provide for the levying and collecting of an excise tax on the sale and distribution within this State of malt and vinous beverages of an alcoholic content of twenty-four (24%) percent or less by volume; to provide for the sale and purchase at State Liquor Stores of alcoholic beverages of an alcoholic content in excess of twenty-four (24%) percent by volume; to authorize said Board to promulgate rules and regulations governing the manufacture, sale, and possession of all such beverages within this State; to make it a misdemeanor for any person to purchase any such beverages from any person or persons, firm or corporation, except those authorized by this Act and by the Board under the provisions of this Act; to appropriate money for the administration of the Act and to provide for the disposition of the net profits collected under this Act; to provide for the confiscation and disposition of articles declared to be contraband; to impose penalties for violation of this Act; to repeal all laws and parts of

laws in conflict hereto, and to provide that this Act shall constitute and be designated and cited as "The Alcoholic Beverage Control Act".

And requests Committee of Conference. The Speaker of the House has appointed as conferees on the part of the House Messrs. Boswell, Ellis, Sparks (Barbour), Staples and Hamner.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Kelly, the Senate acceded to the request of the House for a Committee of Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 44, the title of which is set out in the foregoing House Message.

Yeas, 26; Nays, 8.

Yeas:

Messrs.:			
Browder	Kuykendall	Russell	Thomas
Carlton	Locke	Simpson	Tucker
Chesnut	Mooneyham	Starnes	Walden
Dorsey	McDowell	Stephens	Weaver
Frazer	Richardson	Stoddard	Wellborn
Goldsmith	Riddle	Swift	Woodall
Kelly	Rogers		

—26

Nays:

Messrs.:			
Browder	Mixon	Parrish	Taylor
Cook	McConnell	St. John	Walton

—8

And the President and Presiding Officer of the Senate appointed as conferees on the part of the Senate Messrs. Kelly, Mooneyham, Swift, Rogers and Simpson.

Mr. Bonner offered the following motion in writing, to-wit:

"I move that the Senate conferees on House Bill No. 44 be and they are hereby instructed not to agree to any change whatever in said bill as it passed the Senate.

J. M. BONNER,
Senator 22nd Senatorial
District."

Which motion was lost.

Yeas, 10; Nays, 24.

Yeas:

Messrs.:			
Bonner	Chesnut	Kuykendall	Mixon

McConnell	Riddle	Taylor	Thomas	
Parrish	St. John			—10
<i>Nays:</i>				
<i>Messrs.:</i>				
Browder	Kelly	Russell	Tucker	
Carlton	Locke	Simpson	Walden	
Cook	Mooneyham	Starnes	Walton	
Dorsey	McDowell	Stephens	Weaver	
Frazer	Richardson	Stoddard	Wellborn	
Goldsmith	Rogers	Swift	Woodall	—24

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in the Senate amendment to the following House bill:

By Mr. Todd:

H. 42. To amend Schedule 158.5 of Chapter 6, Article 13, of an act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

E. F. Taylor,
Clerk.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the sixteenth Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the sixteenth Legislative day approved by the Senate.

ADJOURNMENT

At 3:55 P. M., on motion of Mr. Kelly and in accordance with joint resolution heretofore adopted, the Senate adjourned until Thursday, January 28th, 1937, at 10 A. M.

SEVENTEENTH DAY

Thursday, January 28th, 1937.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The session was opened with prayer by Rev. H. G. Earnest, Doorkeeper of the Senate.

ROLL CALL

Present:

Messrs.:			
Bonner	Kuykendall	Riddle	Taylor
Browder	Locke	Rogers	Thomas
Carlton	Mixon	Russell	Tucker
Chesnut	Mooneyham	St. John	Walden
Dorsey	McConnell	Simpson	Walton
Frazer	McDowell	Starnes	Weaver
Goldsmith	Parrish	Stephens	Wellborn
Kelly	Richardson	Swift	Woodall

—32

JOURNAL

On motion of Mr. St. John the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bill with the engrossed and original bill, respectively, and finds same correctly enrolled, to-wit:

S. 47. To regulate and provide for school financing, school warrants and school tax elections and to safeguard the credit of county and city boards of education by authorizing county and city boards of education to issue warrants for the purpose of funding certain valid indebtedness, by validating, ratifying, approving and confirming certain warrants heretofore issued by any county or city board of education, by authorizing the issuance of warrants to refund certain of said warrants, and by validating, ratifying,

approving and confirming certain school tax elections and to repeal conflicting laws.

Earl Thomas,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 42. To amend Schedule 158.5 of Chapter 6, Article 13, of an act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

Also:

H. 87. To amend Section 145 of Article V of an act entitled, "An Act to provide for the general revenue of the State of Alabama, Approved July 10, 1935."

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Riddle:

S. 103. Appropriating five thousand (\$5,000.00) dollars to be spent under the direction of the Governor to advertise the State of Alabama at the National Convention of the American Legion and the World's Fair which will be held in New York.

Committee on Finance & Taxation.

By Mr. Weaver:

104. To authorize and require Southern Railway Company, as successor to Florence Bridge Company, to discontinue maintenance and operation of the vehicular or highway portion of the bridge of the said Southern Railway Company across the Tennessee River between the cities of Florence and Sheffield, upon the completion and opening for traffic by the Highway Bridge Commission, Inc., of Alabama of a vehicular or highway bridge in the vicinity of said existing bridge to serve traffic between said cities, and to authorize Southern Railway Company to continue the maintenance and operation of said bridge for railroad purposes.

Committee on Public Roads & Highways.

By Mr. Weaver:

S. 105. To amend an act entitled an Act "To create and establish a Board of Revenue in and for Limestone County, Alabama, to be composed of five members, one of whom shall be chairman of said board; to fix the qualifications of the chairman and the members of said board; to provide where the chairman and members of said board shall reside during their term of office; to abolish the Court of County Commissioners of said County; to divide said County into four districts and to define the boundaries of each said districts; to designate, declare and appoint a member from each of said districts and to define the terms of office of each of said members of the Board of Revenue so designated, declared and appointed; to provide for the appointment of the chairman of said board and to fix the term of his office under said appointment; to provide for the filling of vacancies in said board; to provide for the nomination of the chairman and each member of said board; to provide for the election of the chairman of the said board and the members designated, declared and appointed by this Act at the expiration of their respective terms of office; to define the power and jurisdiction of the said board; to fix the compensation of the chairman and members of said board; to confer upon the said board all the jurisdiction, power and authority granted by law to Courts of County Commissioners, Boards of Revenue or other governing bodies of like name or authority in this State; to repeal all laws in conflict with this Act, approved July 27, 1931, by amending Sections 5 and 22 of said Act.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that there will be introduced at the special or extraordinary session of the legislature of Alabama, called to convene in November, 1936, a bill to amend Sections 5 and 22 of an act "To Create and Establish a Board of Revenue in and for Limestone County, Alabama," approved July 27, 1931. The proposed bill is in substance as follows:

To provide for the qualification and election of the members of the Board of Revenue of Limestone county to provide for the employment and compensation of a clerk-stenographer for said board.

L. A. Weaver,
Senator District One.

STATE OF ALABAMA }
LIMESTONE COUNTY }

I, Robert L. Richardson, of the Limestone Democrat, a newspaper published weekly in the City of Athens, Alabama, Limestone County, do hereby certify that a proposed bill providing for the qualifications and election of members of the Board of Revenue of Limestone County has been published four times in the above mentioned newspaper on Dec. 17, 24, 31st, 1936 and Jan. 7, 1937.

This is the 26th day of Jan. 1937.

Robert L. Richardson.

Sworn to and subscribed before me, this the 26th day of Jan. 1937.

R. G. Martin,
Notary Public.

By Mr. Simpson:

S. 106. To amend Section 9 of an act entitled An Act to regulate The Sale, Transfer and Possession of Certain Types of Firearms; To provide for the Licensing of Dealers and Owners of Such Firearms; To fix Rules of Evidence In Court in This State for Prosecution of Violation of This Act; To Prescribe Penalties for Violation of Any Provision Herein and to Make Uniform the Laws With Reference Thereto, Approved April 6th, 1936.

Committee on Revision of Laws.

By Mr. Browder:

S. 107. To establish juvenile courts in all counties in the State of Alabama now having a population of not less than 38,880 nor more than 38,890 according to the Federal census of 1930, defining their powers and jurisdictions and providing for the process and procedure of said courts; for the appointment of the judge of such courts; their terms of office and salary; and defining their duties; and providing for the payment of the expenses of such courts by the Boards of County Commissioners or by whatever name they shall be known in said Counties; and providing for the detention of juvenile delinquents and dependents and neglected children; and

providing for the protection of said children against disqualification or prejudice on account of judgment or order of said court or any confession, statement, declaration or admission or silence or demeanor of said juveniles.

Committee on Local Legislation.

By Mr. Browder:

S. 108. To make an additional appropriation for the enforcement of the laws of the State.

Committee on Finance & Taxation.

By Mr. Chesnut:

S. 109. To provide that in all counties in the State of Alabama with a population of not less than 20,100, nor more than 20,500, according to the last or any subsequent Federal census, the per diem and mileage and any and all other compensations which is now provided or may hereafter be provided by law for the members of the Commissioners Court, Board of Revenue or like governing body, shall be paid out of the proceeds of the gasoline excise tax fund accruing to the respective counties from the State of Alabama while the members of said bodies are engaged in the performance of their duties in connection with the supervision, construction, maintenance and/or repair of the public roads and/or bridges in their respective counties; to provide that nothing herein contained shall be construed as changing the per diem and mileage, or any and all other compensation which is now provided, or which may hereafter be provided by law for the members of said bodies in said counties; to repeal all laws and parts of laws, general, special and local in conflict herewith; and to provide for the effective date of this Act.

Committee on Finance & Taxation.

By Mr. Kuykendall:

S. 110. To provide additional compensation for judges of the circuit court in judicial circuits of this State now or hereafter having two judges and now or hereafter composed of five counties, one of said counties having a population of not less than 55,000 according to the last or any succeeding Federal census, and to provide the way and manner of paying the same.

Committee on Local Legislation.

By Mr. Walton:

S. 111. To amend Section 5 of an Act entitled "An Act to amend an Act entitled, 'An Act to provide for the General Revenue of the State of Alabama, approved July 10, 1935,' by adding Schedule 155.4A and Schedule 155.4B to Section 348 of said Act, approved December 17, 1936."

Committee on Finance & Taxation.

By Mr. Walton:

S. 112. To amend Section 8998 of the Code of Alabama of 1923.

Committee on Revision of Laws.

By Mr. Walton:

S. 113. To amend Section 5 of an Act entitled, "An Act to amend an Act entitled, 'An Act to provide for the General Revenue of the State of Alabama, approved July 10, 1935,' by adding Schedule 155.4A and Schedule 155.4B to Section 348 of said Act. Approved December 17, 1936."

Committee on Finance & Taxation.

REPORTS OF COMMITTEES

Mr. Frazer, Chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Lusk:

H. 126. To amend Section 8280 of the Code of Alabama.

By Mr. McGowin:

H. 248. To amend Section 21 of the Code of Alabama of 1923.

By Mr. Stephens:

S. 68. To amend sub-section 13 of Section 303 of the Code of Alabama of 1923.

By Mr. Stephens:

S. 67. To amend sub-section 11 of Section 303 of the Code of 1923.

By Mr. Dorsey:

S. 97. To require registration of persons engaged in influencing or attempting to influence or to prevent legislation by the Legislature of Alabama, and to require reports to be filed by such persons and to provide penalties for failure to comply with the provisions of this Act, and for the making of false reports.

Mr. Frazer, Chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Hill:

H. 62. To provide for the disposition of all fines and penalties arising out of the violation of the provisions of Chapter 142 of the 1923 Code of Alabama.

Mr. McDowell, Chairman of the Standing Committee on Constitutional Revision and Amendments, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Weaver:

S. 90. To provide for and submit to the qualified electors of the State of Alabama, at an election to be held on the second Tuesday next after the expiration of three months from the date of the final adjournment of the present session of the Legislature, an amendment to the Constitution of Alabama authorizing Limestone County to levy and collect a tax of one mill, for use in malaria control work, in addition to all taxes now authorized.

The above bill was read a second time at length as required by the Constitution.

By Mr. Rogers:

S. 94. To submit to the qualified voters of the State of Alabama, at an election to be held on the first Tuesday after the expiration of three months after the final adjournment of the present Special Session of the Legislature, for their consideration, an amendment to the Constitution of Alabama, so as to authorize and empower the Legislature of Alabama, from time to time, by general or local laws to fix, regulate and alter the fees, commissions, allowances or salary to be charged or received by the Sheriff of Mobile County, including the method and basis of his compensation.

The above bill was read a second time at length as required by the Constitution.

By Mr. Welch:

H. 112. To propose an amendment to the Constitution of Alabama to be known as Article..... providing that all proceeds derived from any State excise, privilege, or license taxes on the disposition of gasoline, other liquid motor fuels, or substitutes therefor and any State excise or license taxes on motor vehicles or trailers or on motor vehicle owners or operators for the operation of such motor vehicles shall, except for necessary cost of collection and administration, be apportioned and used solely and exclusively for construction, reconstruction, maintenance, supervision, and re-

pair of public roads, highways, streets, and bridges within the State; for interest and retirement of loans or obligations incurred in connection with such functions and shall not be diverted by transfer of funds or otherwise to any other purpose.

The above bill was read a second time at length as required by the Constitution.

Mr. Russell, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Ellis:

H. 275. To amend Section 18 of an Act entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled 'An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system and for other purposes; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act," approved September 14, 1935, as amended by an Act entitled "An Act to amend Section 18 of an Act approved September 14, 1935, and entitled 'An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensa-

tion of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system and for other purposes ;" to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act, to regulate alienation of benefits; to provide penalties for failure to comply with or violation of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act," approved April 21, 1936.

By Mr. Walton:

S. 96. To amend Section 5 of an Act entitled "An Act to amend an Act entitled, 'An Act to provide for the General Revenue of the State of Alabama, Approved July 10, 1935' by adding Schedule 155.4A and Schedule 155.4B to Section 348 of said Act", Approved December 17, 1936."

By Mr. McDermott:

H. 27. To provide an annual appropriation of \$500.00 out of the State Treasury, or so much thereof as may be necessary, for each of the three fiscal years ending, respectively, September 30th, 1937, 1938 and 1939, to help defray the expenses of the annual encampment and reunion of the Alabama Department, United Spanish War Veterans.

By Messrs. Chichester and McDermott:

H. 259. To further provide for the redemption of real estate heretofore sold for taxes and, prior to January 1, 1935, bid in by the State at tax sale.

By Mr. Denson:

H. 80. To provide for the exemption from ad valorem taxation of the property of all incompetent veterans to the value of two thousand dollars and to define the meaning of the term incompetent veteran.

By Mr. Delony:

H. 38. To amend Section 23 of an act entitled "An Act To Provide for The General Revenue of the State of Alabama," approved July 10th, 1935.

By Mr. Delony:

H. 37. To Amend Section 161-A of an act entitled "An Act

To Provide for The General Revenue of the State of Alabama," approved July 10th, 1935.

By Mr. Delony:

H. 36. To Amend Section 370-A of an act entitled "An Act to Provide for The General Revenue of the State of Alabama," approved July 10th, 1935.

By Mr. Johnston:

H. 72. To amend Schedule 155.7 of Section 348 of Article XIII, Chapter 3, of An Act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

By Mr. Poole (Butler):

H. 46. To amend Schedule 12 of Section 348 of Chapter I of Article XIII, of a bill approved July 10, 1935, and entitled "An Act to provide for the General Revenue of the State of Alabama."

By Mr. Dominick:

H. 273. To amend Section 6 of an act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt, and for the public schools," approved September 6, 1935, Acts of 1935, page 792.

By Mr. Welch:

H. 40. To Amend Section 348 of Article XIII, Chapter I, of An Act Entitled "An Act to Provide For The General Revenue of the State of Alabama" Approved July 10, 1935.

By Mr. Simpson:

S. 80. To amend the caption and Sections 2, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16 and 18 and to repeal Sections 21, 23 and 23 of an Act entitled, "An Act to establish a more humane system for caring for the needy aged in the State of Alabama and the several counties thereof by providing for old age pensions; to define the persons entitled thereto, and to provide for the ascertainment and determination of the qualifications of applicants therefor; to further provide for and regulate the payment of pensions under Article I of Chapter 55 of the Code of Alabama of 1923, as amended; to provide for the payment thereof; to make an appropriation for the same; to provide for a lien on the property of certain recipients of old age pensions and to provide for the enforcement thereof, to provide for the administration of such system and to define offenses against this Act and to fix punishment for such offenses; and to provide for cooperation with the Government of the United States and its agencies in caring for the needy aged; and to repeal all laws in conflict herewith," approved September 14, 1935.

By Mr. Simpson:

S. 81. To repeal an Act entitled, "An Act to amend an Act to establish a more humane system for caring for the needy aged in the State of Alabama and the several counties thereof by providing for old age pensions; to define the persons entitled thereto; and to provide for the ascertainment and determination of the qualifications of applicants therefor; to further provide for and regulate the payment of pensions under Article 1 of Chapter 55 of the Code of Alabama of 1923, as amended; to provide for the payment thereof; to make an appropriation for the same; to provide for a lien on the property of certain recipients of old age pensions and to provide for the enforcement thereof, to provide for the administration of such system and to define offenses against this Act and to fix punishment for such offenses; and to provide for cooperation with the Government of the United States and its agencies in caring for the needy aged; and to repeal all laws in conflict herewith, Approved April 21, 1936."

Mr. Walton, Chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Taylor:

S. 9. To prohibit owners or managers of cattle or livestock to permit such cattle or livestock to run at large upon the State or Federal Highways in this State, or highways built or maintained by the Federal Government or the State Highway Department; to fix the liability of owners or managers of cattle or livestock running at large, to provide for proceedings for the enforcement of such liability for the impoundment of cattle or livestock running at large upon the above mentioned highways of the State, to fix a penalty for the violation of said provisions, and to repeal all laws in conflict with this Act.

Mr. Walton, Chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Dominick:

H. 105. To amend Section 11 of an Act of the Legislature approved September 2, 1935, entitled "An Act to provide for the public safety; to regulate the operation of motor vehicles on the public highways; to provide for the registration and licensing of

drivers or operators of motor vehicles and to fix the fees therefor; to authorize the State Highway Commission with the approval of the Governor to establish and promulgate reasonable rules and regulations concerning the operation of motor vehicles; to provide punishment and penalties for the violation of the provisions of this Act and of the rules and regulations authorized thereby; to provide for the suspension and revocation of drivers' licenses issued; to authorize the appointment or employment of the necessary officers and agents, and the purchase of the necessary equipment to make the provisions hereof effective; and to provide for the compensation of the officers and agents so employed". (Acts 1935, Page 756.)

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Stoddard:

S. 102. To provide for a Board of Education for the town of Luverne, Alabama; to fix the number of the members of said Board; to provide for their election and to define their duties; to fix the term of office of each member of said Board; to relieve the County Board of Education of Crenshaw County, Alabama of all duties and responsibilities now conferred upon said County Board of Education by law with reference to the election of teachers for the schools situated in the town of Luverne, Alabama, and the school district in which the same is located.

By Mr. Stoddard:

S. 95. To relieve Crenshaw County, Alabama from the payment of that certain warrant number 1458 of said County and in favor of the Highway Commission of Alabama, for revision of the Luverne and Troy Highway.

By Mr. Taylor (with amendment):

H. 169. To provide that in all counties in the State of Alabama, now or hereafter having more than one hundred and ten thousand population, and less than three hundred thousand population according to the last, or any Federal census, that the Board of Revenue and Road Commissioners of such counties, or whatever may be called, furnish all necessary expenses to the office of Tax Assessor and Tax Collector and Tax Agents, which shall include, automobiles, gasoline, stationery, and other necessary expenses to be certified by the Tax Collector or Tax Assessor or Tax Agents of such counties, or requisition by him. And to be paid out of the county Treasury by a warrant to be drawn by the Board

of Revenue and Road Commission on the general fund of such county.

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Henson:

H. 230. To amend Section Two (2) of an Act approved May 28, 1931 entitled 'An Act to preserve the commissioners' districts of Washington County, Alabama as now fixed by law, or as may be hereafter prescribed; to make the commissioners now holding office in each district, and the Judge of Probate of said county, a board of road supervisors, in addition to their duties and to fix their salaries; to repeal an act approved August 20, 1927, of the Local Acts of 1927 as found on page 234 thereof,' and to provide for the expenses of said road supervisors."

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following:

By Mr. McGowin:

H. J. R. 59. Be it resolved by the House of Representatives, the Senate concurring, that a joint committee consisting of three members from the House to be appointed by the Speaker of the House and two members from the Senate, to be appointed by the President of the Senate, be created to confer with the Governor and make plans toward adjournment sine die of this Legislative session on Feb. 5th, 1937, or as soon thereafter as practical.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

H. J. R. 59, set out in the foregoing Message from the House was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following:

By Mr. Todd:

H. J. R. 69. WHEREAS the Mighty Mississippi River, the "Great Father of Waters," and its tributaries, spreading death and disaster and destruction in the wake of their raging waters, are taking stupendous toll of life and property, and have already inundated millions of acres of the fairest and most fertile lands in all the world, have rendered homeless hundreds of thousands of our people, have claimed the lives of many of our citizens, and continue, in unprecedented way, to menace and threaten additional lives, with property damage incalculable, and suffering and destruction beyond our powers of imagining; therefore:

Be It Resolved By the House of Representatives of Alabama, the Senate concurring:

(1) That the Legislature of Alabama for itself, and through it, the people of Alabama, hereby express our deepest sympathy for those who have suffered, and are still suffering, in this, one of the greatest disasters of the age.

(2) That we trust the Infinite Father, in His Wisdom, will speedily temper the winds and still the swirling waters which have laid prostrate and helpless so many brave, generous, and chivalrous people.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

H. J. R. 69, set out in the foregoing Message from the House, on motion of Mr. Walton the rules were suspended and the resolution adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Goodwyn:

H. 252. To designate the time in each year, when the Board of Registrars shall sit for the purpose of registering voters, in all counties having a population of not less than 75,000 nor more than 100,000 population according to the last or any succeeding Federal census; to provide that said sessions shall be in lieu of all other sessions now authorized by law and to repeal all laws or parts of laws in conflict herewith.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing Message from the House was read one time at length and referred to appropriate Standing Committee as follows:

H. 252. To the Committee on Local Legislation.

RESOLUTIONS

The Rules Committee reported the following joint resolution:

S. J. R. 25. BE IT RESOLVED BY THE SENATE, the House concurring, that when the two houses adjourn to-day, they adjourn to meet again on Friday, January 29, 1937, at 10 o'clock A. M.

Which was adopted.

Mr. Riddle offered the following resolution:

S. R. 26. Whereas, the Senate has learned with profound sorrow of the death of Walter Dent Wellborn, brother of Senator M. B. Wellborn, at New Orleans, January 27, 1937, and

WHEREAS, the Senate feels deeply with Senator Wellborn, the loss of his brother and companion,

THEREFORE, be it resolved, that the Senate of Alabama extend to Senator Wellborn and his family, its sincere regrets and assure them that the Senate does share with them their sorrow in this sudden bereavement.

And on motion of Mr. Woodall the Rules were suspended and the resolution adopted.

Mr. St. John offered the following joint resolution:

S. J. R. 27. WHEREAS, the legislature of Alabama has passed a bill reducing the gross receipts tax on telephone companies from 4% to 2½%, and,

Whereas, the telephone company has paid 4% on gross receipts during the past year and operated at a profit, and,

Whereas, this will take approximately \$90,000 per year from the State treasury,

Now Therefore, Be it resolved by the Senate the House concurring that both houses recommend that the Alabama Public:

Service Commission order a further reduction in the rates on telephones to the amount equal to the reduction in the Gross Receipts Tax.

Which was read and referred to the Standing Committee on Rules.

CALENDAR BILL RE-REFERRED

On motion of Mr. Walden, the bill:

H. 153. To authorize the payment of the members of the Court of County Commissioners of Choctaw County, Alabama, the sum of \$75.00 per month each out of the Excise Gasoline Tax Fund of the County for supervising the building and or maintaining public roads and or bridges in the county.

Was taken from today's Calendar and re-referred by the President of the Senate to the Standing Committee on Finance and Taxation.

BILLS ON THIRD READING

The bill:

H. 239. To provide that the members of the Court of County Commissioners of St. Clair County, Alabama, shall be paid their per diem and mileage and any and all other lawful claims as is now provided, or may hereafter be provided by law, while engaged in the performance of their duties in connection with the building, construction, maintenance, repairing and/or inspecting of the public roads and/or bridges of said county; out of the Road and Bridge Fund; to further provide that the members of said Court shall continue to be paid their per diem and mileage and any and all other lawful claims as is now provided, or may hereafter be provided by law, while engaged in the performance of any and all other duties required of them as members of such Court, from the General Fund of said County, as heretofore; to authorize and require separate warrants for such per diem and mileage and any and all other lawful claims to be drawn on and paid out of the said Road and Bridge Fund, and out of the General Fund of said County respectively; and to repeal all laws and parts of laws, general, special and local, inconsistent with or in conflict with the provisions of this Act.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Riddle	Taylor
Browder	Locke	Rogers	Thomas
Chesnut	Mooneyham	Russell	Tucker
Dorsey	McConnell	Simpson	Walden
Frazer	McDowell	Starnes	Walton
Goldsmith	Parrish	Stephens	Wellborn
Kelly	Richardson	Swift	Woodall

—28

Nays:—None.

The bill:

H. 240. To provide that, that part of the compensation allowed to the Judge of Probate of St. Clair County by Section 7285 of the Code of Alabama of 1923, which is for discharging of his duties in relation to public roads, on proof to the county commissioners that he has discharged such duties, shall be paid out of road and bridge fund, and to repeal all laws, and parts of laws, general, special and local inconsistent with or in conflict with the provisions of this Act.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Riddle	Taylor
Browder	Locke	Rogers	Thomas
Chesnut	Mooneyham	Russell	Tucker
Dorsey	McConnell	Simpson	Walden
Frazer	McDowell	Starnes	Walton
Goldsmith	Parrish	Stephens	Wellborn
Kelly	Richardson	Swift	Woodall

—28

Nays:—None.

The bill:

H. 249. To repeal an Act entitled "An Act to provide that certain officers of Lawrence County, Alabama, shall each receive an increase in pay, as follows: The members of the Board of Revenue shall each receive Four Dollars (\$4.00) per day instead of Three dollars per day for service rendered, to be paid from the general fund of the County." approved April 21, 1936; and to provide that the compensation of the members of the Court of County Commissioners or Board of Revenue or like governing body of Lawrence County Alabama, or by whatever name called, be in the same amounts as is fixed by the general law of the State of Alabama for the compensation of the members of the Courts of County Commissioners or Boards of Revenue of the several counties of the

State; and to provide that the compensation of said members, as herein fixed, may be paid out of the Gasoline Excise Tax levied by the State of Alabama accruing to Lawrence County, Alabama; and to repeal all laws and parts of laws, general, special or local, in conflict herewith; and to provide that if any clause, part or section of this Act shall be held invalid, the remainder of the same shall be in full force and effect.

Was taken up.

Mr. St. John offered the following substitute for the bill, H. 249, to-wit:

A BILL

To be entitled an act to repeal an Act entitled, "An Act to provide that certain officers of Lawrence County, Alabama, shall each receive an increase in pay, as follows: The members of the Board of Revenue shall each receive Four Dollars (\$4.00) per day instead of Three Dollars per day for service rendered, to be paid from the general fund of the County." approved April 21, 1936; and to provide that the compensation of the members of the Court of County Commissioners or Board of Revenue or like governing body of Lawrence County, Alabama, or by whatever name called, be in the same amounts as is fixed by the general law of the State of Alabama for the compensation of the members of the Courts of County Commissioners or Boards of Revenue of the several counties of the State; and to provide that the compensation of said members, as herein fixed, while said members are engaged in the performance of their duties in connection with the supervision, construction, maintenance, and repair of the public roads and/or bridges of said County; may be paid out of the Gasoline Excise Tax levied by the State of Alabama accruing to Lawrence County, Alabama; and to repeal all laws and parts of laws, general, special or local, in conflict herewith; and to provide that if any clause, part or section of this Act shall be held invalid, the remainder of the same shall be in full force and effect.

Be It Enacted By The Legislature of Alabama:

Section 1. That "An Act to provide that certain officers of Lawrence County, Alabama, shall each receive an increase in pay as follows: the members of the Board of Revenue shall each receive Four Dollars (\$4.00) per day instead of Three Dollars per day for service rendered, to be paid from the General Fund of the County." approved April 21, 1936, be and the same is hereby repealed.

Section 2. That from and after the passage and approval of this Act the compensation of the members of the Court of County

Commissioners or Board of Revenue or like governing body of Lawrence County, Alabama, or by whatever name called, shall be in the same amounts as is fixed by the general law of the State of Alabama for the compensation of members of the Courts of County Commissioners or Boards of Revenue of the several counties of the State.

Section 3. That from and after the passage and approval of this Act the compensation of said members as herein fixed, while engaged in the performance of their duties in connection with the supervision, construction, maintenance and repair of the public roads and/or bridges of Lawrence County, Alabama, may be paid out of the Gasoline Excise Tax levied by the State of Alabama, accruing to Lawrence County, Alabama.

Section 4. That all laws and parts of laws, general, local or special, in conflict herewith, be and the same are hereby repealed.

Section 5. If any clause, part or section of this Act shall be held invalid, the remainder of the same shall be and continue in full force and effect.

Section 6. This Act shall take effect upon its passage and approval by the Governor.

Mr. Walden moved that the bill, H. 249, and pending substitute, be taken from today's Calendar and re-referred by the President of the Senate to the Standing Committee on Finance and Taxation.

Mr. St. John moved to table the motion of Mr. Walden, which motion prevailed and the Senate refused to re-refer said bill, and pending substitute.

Yeas, 16; Nays, 11.

Yeas:

Messrs.:

Bonner	Parrish	St. John	Tucker
Chesnut	Richardson	Stephens	Walton
Mixon	Riddle	Taylor	Weaver
McDowell	Russell	Thomas	Woodall

—16

Nays:

Messrs.:

Dorsey	Kelly	McConnell	Walden
Frazer	Locke	Rogers	Wellborn
Goldsmith	Mooneyham	Simpson	

—11

And the substitute offered by Mr. St. John was then adopted.

Yeas, 23; Nays, 4.

Yeas:

Messrs.:

Bonner	Carlton	Locke	Mooneyham
Browder	Chesnut	Mixon	McConnell

McDowell	Rogers	Stephens	Walton
Parrish	Russell	Taylor	Weaver
Richardson	St. John	Thomas	Woodall
Riddle	Starnes	Tucker	

—23

Nays: Messrs.: Dorsey, Frazer, Walden, and Wellborn.

—4

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 20; Nays, 8.

<i>Yeas:</i>			
Messrs.:			
Bonner	Mooneyham	Russell	Thomas
Browder	McDowell	St. John	Tucker
Chesnut	Parrish	Starnes	Walton
Kelly	Richardson	Stephens	Weaver
Mixon	Riddle	Taylor	Woodall

—20

<i>Nays:</i>			
Messrs.:			
Carlton	Frazer	Locke	Walden
Dorsey	Goldsmith	McConnell	Wellborn

—8

The bill:

H. 34. To amend Sections 338 and 344 of an act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

Was taken up.

Mr. Woodall moved that the Senate postpone further consideration of the bill, H. 34, until the Nineteenth Legislative Day.

Mr. Bonner moved to table the motion of Mr. Woodall to postpone consideration of the bill, H. 34, until the Nineteenth Legislative Day, which motion prevailed and the Senate refused to postpone said bill.

Yeas, 20; Nays, 12.

<i>Yeas:</i>			
Messrs.:			
Bonner	Mooneyham	Russell	Thomas
Dorsey	McConnell	Simpson	Tucker
Frazer	McDowell	Starnes	Walden
Kelly	Richardson	Swift	Weaver
Locke	Rogers	Taylor	Wellborn

—20

<i>Nays:</i>			
Messrs.:			
Browder	Goldsmith	Parrish	Stephens
Carlton	Kuykendall	Riddle	Walton
Chesnut	Mixon	St. John	Woodall

—12

And said bill was then read a third time at length and passed.
Yeas, 22; Nays, 10.

Yeas:

Messrs.:

Bonner	Mooneyham	Simpson	Tucker
Dorsey	McConnell	Starnes	Walden
Frazer	McDowell	Swift	Weaver
Kelly	Richardson	Taylor	Wellborn
Kuykendall	Rogers	Thomas	Woodall
Locke	Russell		

—22

Nays:

Messrs.:

Browder	Goldsmith	Riddle	Stephens
Carlton	Mixon	St. John	Walton
Chesnut	Parrish		

—10

RECESS

At 2 P. M., on motion of Mr. Riddle, the Senate took a recess until 2:30 this afternoon.

AFTERNOON SESSION—SEVENTEENTH DAY

Thursday, January 28th, 1937.

The Senate re-assembled at 2:30 P. M., Lieutenant-Governor Knight presiding.

ROLL CALL

Present:

Messrs.:

Bonner	Locke	Rogers	Taylor
Browder	Mixon	Russell	Thomas
Carlton	Mooneyham	St. John	Tucker
Chesnut	McConnell	Simpson	Walden
Dorsey	McDowell	Starnes	Walton
Frazer	Parrish	Stephens	Weaver
Goldsmith	Richardson	Stoddard	Wellborn
Kelly	Riddle	Swift	Woodall
Kuykendall			

—33

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Browder:

S. 114. To amend Section 2039 of the Code of Alabama of 1923.

Committee on Revision of Laws.

By Mr. Simpson:

S. 115. To amend Section 9638 of the Code of Alabama of 1923.

Committee on Revision of Laws.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the report of the Committee of Conference on the disagreement of the two Houses on the Senate amendment to the following House bill:

H. 44. To promote temperance and suppress the evils of intemperance; to regulate and control the manufacture, purchase, sale, distribution, transportation, handling, advertising, possession, dispensing, drinking and use of alcohol, brandy, rum, whiskey, gin, wine, beer, lager beer, ale, porter, stout, and all liquid beverages and articles containing alcohol obtained by fermentation or otherwise; to create a Department of "Alcoholic Beverage Control" and an "Alabama Beverage Control Board", and to define and provide for the functions, duties, and powers thereof; to provide for the appointment, suspension, removal, compensation, cost and expenses of such Board and its members, officers, agents and employees; to provide for the manufacture, sale and distribution of such alcoholic beverages of an alcoholic content of over twenty-four (24%) per cent by volume; to provide for the levying and collecting of an excise tax on the sale and distribution within this State of malt and vinous beverages of an alcoholic content of twenty-four (24%) percent or less by volume; to provide for the sale and purchase at State Liquor Stores of alcoholic beverages of an alcoholic content in excess of twenty-four (24%) percent by volume; to authorize said Board to promulgate rules and regulations governing the manufacture, sale and possession of all such beverages within this State; to make it a misdemeanor for any person to purchase any such beverages from any person or persons, firm or corporation, except those authorized by this Act and by the Board under the provisions of this Act; to appropriate money for the administration of the Act and to provide for the disposition of the net profits collected under this Act; to provide for the confiscation and disposition of articles declared to be contraband; to impose penalties for violation of this Act; to repeal all laws and parts of laws in conflict hereto, and to provide that this Act shall constitute and be designated and cited as "The Alcoholic Beverage Control Act".

Said Conference Report being in words and figures as follows:

REPORT OF COMMITTEE ON CONFERENCE

To
The Speaker of the House,
The President of the Senate.

We, your Committee on Conference, appointed to consider the difference between the House of Representatives and the Senate on House Bill No. 44, beg leave to report as follows:

We recommend:

1. That the Senate recede from its amendment.
2. We further recommend that both Houses adopt the following report:

(1) The Senate Substitute for House Bill No. 44, as adopted by the Senate, with the following amendments thereto:

AMENDMENT NO. 1.

Amend the caption of the Senate Substitute for House Bill No. 44 by striking from the phrase reading: "to provide for the sale and purchase at State Liquor Stores of malt beverages of an alcoholic content not in excess of four (4%) per cent by weight and five (5%) per cent by volume and of vinous beverages of an alcoholic content of twenty-four (24%) per cent or less by volume" the following words and figures: "of malt beverages of an alcoholic content not in excess of four (4%) percent by weight and five (5%) by volume, and".

AMENDMENT NO. 2.

Amend sub-section (q) of Section 2 of Senate Substitute for House Bill No. 44 by striking therefrom the following words and figures: "and vinous beverages of not to exceed twenty-four (24%) per cent by volume."

AMENDMENT NO. 3.

Amend Sub-section (c) of Section 6 of Senate Substitute for House Bill No. 44 by adding to the end of that paragraph the following: "Provided further that the number of liquor stores in any municipality shall be limited to one such store for municipalities of 25,000 population or less, according to the last or any subsequent Federal Census, and in municipalities having more than 25,000 population, such additional stores as the Board, in its discretion, may determine.

AMENDMENT NO. 4.

Amend Sub-Section (a) of Section 8 of Senate Substitute for House Bill No. 44 by amending the last sentence in the said sub-division to read as follows: "The person appointed by the Board and designated as "Manager" and each employee of such store must be a resident citizen and qualified voter of the county in which the store is located.

AMENDMENT NO. 5.

Amend Sub-section (c) of Section 9 of Senate Substitute for House Bill No. 44 to read as follows: "Each State Liquor Store shall be required to make daily deposits of receipts in a designated State Depository to the credit of the State Treasury, depositing all receipts for the preceding day. At no time shall any manager of a State Liquor Store allow the receipts of said store to reach the sum of Five Thousand Dollars (\$5,000.00), without depositing such receipts in designated State Depository. The Board shall each day deposit its gross receipts and all revenues received by said Board as above provided for under this Act in the General Fund of the State. The manager of each State Liquor Stores and the Board shall make reports to the State Comptroller of all daily deposits. All claims against said monies received under the provisions of this Act shall be first audited and approved by the Board or designated agency, and all such claims so audited and approved by the said Board or designated agency must then be audited and approved by the State Comptroller and the Governor before being paid.

The net profits derived from the proceeds of the State Liquor Stores under the provision of this Act shall be paid out and applied monthly as follows: Fifty percent shall be covered into the General Fund of the Treasury of the State; ten percent shall be covered into the Treasury of the State to be used and the same is hereby appropriated exclusively for Old Age Pensions, and for other purposes of the State Department of Public Welfare. Ten percent shall be covered into the Treasury of the State to the credit of the sixty-seven Counties of the State and shall be divided equally among each of said counties, and shall be paid to them and shall be covered by them into their respective general funds; ten percent shall be paid into the Treasury of the State to the Credit of the sixty-seven counties of the State, and shall be divided equally among each of said counties and shall be paid to them to be used by them exclusively for the purposes of Public Health, Old Age Pensions, and for the other purposes of the County Departments of Public Welfare; twenty percent of the net profits of each Liquor Store to be paid to the municipality in which such State Store is located. Payment to be made to each of the several counties and incorporated towns and cities by warrant of the State Comptroller not later than the 20th of each month following collection. No liquor store shall be placed or maintained outside a municipality, provided that in counties not having a municipality such store may be placed in the County Seat.

AMENDMENT NO. 6.

Amend sub-section (a) of Section 11 of Senate Substitute to House Bill No. 44 by substituting in line 19 of the printed bill for the word "off" the word "on".

AMENDMENT NO. 7.

Amend sub-section (c) of Section 11 of Senate Substitute for House Bill No. 44 by striking from the printed Senate Substitute for House Bill No. 44 on page 18 in lines 4 and 5 the following words: "to sell by open bottle, glass or other container, or in any mixture, the liquor so purchased," and substituting therefor the following: "to sell liquors as herein defined in original unbroken packages or containers as purchased from Alabama Liquor Stores."

AMENDMENT NO. 8.

Amend Section 17 of Senate Substitute for House Bill No. 44 so that it will read as follows: "Section 17. Sale of Malt or Brewed Beverages—Every license issued to a hotel, restaurant, club or railroad, pullman or steamship company under this act for the sale of liquor, shall authorize the licensee to sell vinous and malt or brewed beverages at the same places, but subject to the same restrictions and penalties as applied to sales of liquor, except that licensees may sell vinous, malt or brewed beverages, as herein defined, for consumption on the premises where sold in the manner hereinafter set forth.

AMENDMENT NO. 9.

Amend Senate Substitute for House Bill No. 44 by substituting for sub-division (3) of Section 19 the following: "(3) Only malt or brewed beverages as herein defined can be sold and/or distributed under licenses issued to any wholesaler, distributor and/or retailer of such beverages as enumerated and defined and licensed as such under this Act. All vinous beverages, whether or not manufactured within or without this State, can be sold by the manufacturers only to State Liquor Stores as herein defined. All other alcoholic beverages will be manufactured, imported, sold and/or distributed by the Board through the State Liquor Stores in the manner prescribed in this Act.

AMENDMENT NO. 10.

Amend Senate Substitute for House Bill No. 44 by striking from sub-sections (1) and (2) of sub-division (c) of Section 21 the words "vinous and" wherever they appear together therein.

AMENDMENT NO. 11.

Amend Senate Substitute for House Bill No. 44 by re-drafting Sections 23, sub-division (a) thereof to read as follows: "Section 23. (a) Sales by Manufacturers: Minimum Quantities—No manufacturer shall sell any malt or brewed beverages direct to any retailer or for consumption on the premises where sold, nor sell or deliver any such malt or brewed beverages in other than original containers, approved as to capacity by the Board, nor shall any manufacturer maintain or operate within the State any place or places, other than the place or places covered by his or its license where malt or brewed beverages are sold or where orders are taken. Provided, however, that malt or brewed beverages manufactured or brewed in Alabama may be sold direct to the retailer by the manufacturer or brewer.

AMENDMENT NO. 12.

Amend sub-divisions (b) and (c) of Section 23 of Senate Substitute for House Bill No. 44 by striking out wherever they appear together therein the following words: "vinous and/or".

AMENDMENT NO. 13.

Amend sub-division (d) of Section 23 of Senate Substitute for House Bill No. 44 by striking out wherever they occur the words and figures "One Thousand (\$1,000.00) Dollars", and substituting therefor the words and figures "Fifty (\$50.00) Dollars;" and amend said sub-division further by striking from said sub-division the last sentence.

AMENDMENT NO. 14.

Amend Senate Substitute for House Bill No. 44 by striking from sub-division (5) of Section 25 the following words "vinous and/or."

AMENDMENT NO. 15.

Amend the first paragraph of Senate Substitute for House Bill No. 44 in Section 27 by striking therefrom the words "beer and/or wine", and by substituting for the words thus stricken the following: "malt or brewed beverages".

AMENDMENT NO. 16.

Amend Section 27 of Senate Substitute for House Bill No. 44 by striking therefrom in its entirely sub-division (b).

AMENDMENT NO. 17.

Amend Section 41½, sub-division (a) of Senate Substitute for House Bill No. 44 by striking therefrom the words and figures: "Section 47" and substituting therefor the word and figures: "Section 46".

AMENDMENT NO. 18.

Amend Section 51 of Senate Substitute for House Bill No. 44 so as to make it read as follows:

Section 51. Upon the passage of this Act the Governor must within one week from the date of such passage call an election to determine the sentiment of the voters of each of the Counties of the State as to whether or not alcoholic beverages shall be legally sold and distributed in each such county. Said election shall be held on the 10th day of March, 1937, and shall be held and officers appointed in the manner provided by law for general elections. All of the expenses of said election shall be paid by the State, and the returns from said election shall be tabulated and certified as is provided by law for general elections. At said election there shall be printed on the ballot used the following question: "Do you favor the legal sale and distribution of alcoholic beverages in this county? Yes— No....." Only qualified electors may vote in said election. When the returns from said election are tabulated, the Governor shall issue a proclamation declaring the results of the election in each of the counties of the State.

In every County where a majority of the electors voting in said election vote "Yes", this Act, and all of its provisions, shall be immediately put into operation in such County, but in every County where a majority of the

electors voting in said election vote "No", this Act shall not go into effect in such County, and all laws prohibiting the manufacture and sale of alcoholic liquors or beverages now in force and effect in Alabama shall remain in full force and effect in every such County.

For the purpose of this Act the term "Wet County" shall mean any County which by a majority of those voting voted in the affirmative in the election hereinabove provided for, and "Dry Counties" shall be construed to mean all Counties which by majority of those voting voted in the negative in the election hereinabove provided for. Any County in the State may change its classification from wet to dry or from dry to wet, under this Act in the following manner: Upon the petition of twenty-five percent (25%) of the number of voters voting in the last preceding general election being filed with the Probate Judge of said County, said Probate Judge must call an election for said County to determine the sentiment of the people as to whether or not alcoholic beverages can be legally sold or distributed in said County. Said election shall be held and the officers appointed to hold same in the manner provided by law for holding other County elections, and the returns thereof tabulated and results certified as provided by law for such elections. Said election shall be held within not less than thirty days (30), nor more than forty-five days, (45), from the date of filing of said petition and notice thereof shall be given by the Probate Judge by publication at least three (3) weeks before the date of said election, in a newspaper in the County or, if there be none, by posting such notice at the Court House apprising the voters of the County that an election will be held in the several precincts thereof, to determine whether such County shall be wet or dry under the Alabama Beverage Control Act. The cost of said election, including the cost of Notice by Publication, shall be paid out of the general funds of the County. On a ballot to be used for such election the question shall be in the following form: "Do you favor the legal sale and distribution of Alcoholic Beverages within this County? Yes..... No.....". Only qualified voters shall vote in said election. If a majority of the voters voting in said election vote "Yes", said County shall be wet or remain wet under the terms of this Section until said County shall in a subsequent election held under this Act change to a dry County. If a majority of the electors voting in said election vote "No", said County shall be a dry County under the terms of this Act until it shall, by a subsequent election, held under this Act, vote wet. Said elections in said Counties may be held at any time after the expiration of six month after the State-wide County Referendum hereinabove provided for. After such election there can be no other held in such County within a period of less than two (2) years.

In all dry counties, as defined in this Section, the Statutes of Alabama prohibiting the manufacture, sale or distribution of Alcoholic Beverages shall remain in full force and effect, and any person, firm, or corporation convicted of violating any of the provisions of the present statutes of Alabama regulating or defining the illegal manufacture, sale or distribution of alcoholic beverages shall be punished as now provided by such laws.

In all Counties of the State it shall be unlawful for any person, firm or corporation to have in his or its possession any still or apparatus to be used for the manufacture of any alcoholic beverage of any kind, or any alcoholic beverage of any kind illegally manufactured, or transported, within the State, or imported into the State from any other place without authority of the Alcoholic Control Board of the State, and any person, firm or corporation violating the provision or who transports any illegally manufactured alcoholic beverages, or who manufactures illegally any alcoholic beverages, upon conviction, shall be punished as now provided by law.

AMENDMENT NO. 19.

Amend Section 57 of Senate Substitute for House Bill No. 44 so as to read as follows:

SECTION 57. That it shall be unlawful to locate any state liquor store within one mile of the boundary of the campus or grounds of any State Teachers College or any institution of higher learning or of any eleemosynary institution in this State, unless such store is within four hundred feet (400 ft.) of the Court House, and it shall be unlawful to sell any intoxicating, spirituous, vinous, or malt liquors or beverages or wine or beer in any establishment located within one mile of the boundary of the campus grounds of such institution or college, unless such establishment is within four hundred feet (400 ft) of the Court House; provided, however, the provisions of this section shall not apply to or be operative within the corporate limits of the police jurisdiction of cities having a population of more than 50,000, according to the last Federal census, or which shall have such population according to any Federal census which may be taken hereafter.

AMENDMENT NO. 20.

Amend Section 61 of Senate Substitute for House Bill No. 44 as follows:

Adding after the word "general" in the first line of said Section 61, the following "except as hereinotherwise specially provided." And further amend said Section by adding thereto as the final sentence the following: "Provided, however, that neither this Section nor any of the provisions of this Act shall affect in any way offense already committed, or any indictment already found for the violation of the prohibition laws of this State or any pending criminal action based upon such laws."

Respectfully submitted,

E. C. Boswell,

A. L. Staples

L. H. Ellis

Chauncey Sparks

Conferees on part of the House of
Representatives.

J. P. Kelly

Floyd W. Mooneyham

J. A. Simpson

G. R. Swift

C. M. A. Rogers

Conferees on part of the Senate.

And said bill, H. 44, as amended by the Report of Committee of Conference was again read a third time at length and passed.

And said bill, H. 44, together with the Report of Committee of Conference, is herewith sent to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Kelly, the Senate concurred in and adopted the report of the Committee on Conference on the disagreement of the two houses on the Senate amendment to the bill, H. 44, the title of which and said Conference Report, is set out in the foregoing Message from the House.

Yeas, 20; Nays, 13.

Yeas:

Messrs.:

Carlton	Kuykendall	Rogers	Thomas
Dorsey	Locke	Russell	Tucker
Frazer	Mooneyham	Simpson	Walden
Goldsmith	McDowell	Stoddard	Weaver
Kelly	Richardson	Swift	Wellborn

—20

Nays:

Messrs.:

Bonner	McConnell	St. John	Taylor
Browder	Parrish	Starnes	Walton
Chesnut	Riddle	Stephens	Woodall
Mixon			

—13

And said bill, as thus amended, was again read a third time at length and passed.

Yeas, 20; Nays, 13.

Yeas:

Messrs.:

Carlton	Kuykendall	Rogers	Thomas
Dorsey	Locke	Russell	Tucker
Frazer	Mooneyham	Simpson	Walden
Goldsmith	McDowell	Stoddard	Weaver
Kelly	Richardson	Swift	Wellborn

—20

Nays:

Messrs.:

Bonner	McConnell	St. John	Taylor
Browder	Parrish	Starnes	Walton
Chesnut	Riddle	Stephens	Woodall
Mixon			

—13

Mr. Swift moved that the Senate re-consider the vote by which it just passed the bill, H. 44, as amended, which motion was lost and the Senate refused to re-consider said vote.

BILLS ON THIRD READING

The bill:

H. 63. To Amend an Act entitled "An Act to prescribe legal investments of trust funds by fiduciaries" Approved Feb'y. 8, 1935.

And said bill was read a third time at length and lost.

Yeas, 10; Nays, 16.

Yeas:

Messrs.:

Browder	McDowell	Russell	Tucker
Chesnut	Richardson	Simpson	Weaver
Mixon	Rogers		

—10

*Nays:**Messrs.:*

Carlton	Locke	Starnes	Thomas
Dorsey	McConnell	Stephens	Walton
Goldsmith	Parrish	Swift	Wellborn
Kelly	St. John	Taylor	Woodall

—16

PAIR ANNOUNCED

Mr. Mooneyham announced that he and Mr. Frazer were paired on this vote; that Mr. Frazer, if present, would vote "Aye", and he, Mr. Mooneyham, would vote "no."

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, with his objections and proposed amendments to the bill:

By Mr. Connor:

H. 21. To amend Schedule 158.1 of an act entitled an act to provide for general revenue of the State of Alabama, approved July 10, 1935, as amended by an act entitled an act to amend Schedule 158.1 of an act entitled an act to provide for general revenue of the State of Alabama, approved September 21, 1935, to read as follows:

Said Governor's Message containing the proposed amendment being in words and figures as follows, to-wit:

"To the House of Representatives,
Montgomery, Alabama.
Gentlemen:

I am returning to your body, the House in which it originated, House Bill No. 21 without my approval.

I propose the following executive amendments, which, if adopted, will remove my objections to the bill:

Amend House Bill No. 21 by inserting in Section 1 just after the words "new and used automobiles" where they occur together therein, the following:

"acquired subsequent to November 15th in any tax year".

Further amend Section 1 by inserting after the words "to the rear" and before the words "end of the automobile" the words "and front".

Further amend said Bill by striking therefrom Section 2 and inserting in lieu thereof the following:

"Section 2. The purchaser of any motor vehicle requiring a tag shall have such time to purchase the necessary tag for such motor vehicle under such rules and regulations as may be prescribed by the State Tax Commission."

(Signed)

Respectfully,

BIBB GRAVES.

Governor.

January 28, 1937."

And the House has concurred in and adopted the amendments proposed by His Excellency, the Governor, to said bill, H. 21, by a vote of a majority of the whole number elected to the House, said vote being: Yeas, 85; Nays, 0.

And said bill, H. 21, as thus amended by the amendments of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House; said vote being: Yeas, 85; Nays, 0.

And said bill, together with the Governor's Message, containing the proposed amendments, is herewith sent to the Senate for its consideration.

E. F. Taylor,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Tucker, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to H. 21, the title of which and said proposed amendment is set out in the foregoing Message from the House.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Mixon	Russell	Taylor
Carlton	Mooneyham	St. John	Thomas
Chesnut	McConnell	Simpson	Tucker
Dorsey	McDowell	Starnes	Walton
Goldsmith	Parrish	Stephens	Weaver
Kuykendall	Richardson	Swift	Woodall
Locke	Rogers		

—26

Nays:—None.

Which was a majority of the whole number elected to the Senate.

And said bill, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Mooneyham	Russell	Thomas
Carlton	McConnell	St. John	Tucker
Chesnut	McDowell	Simpson	Walton
Dorsey	Parrish	Starnes	Weaver
Kelly	Richardson	Stephens	Wellborn
Locke	Riddle	Taylor	Woodall
Mixon	Rogers		

—26

Nays:—None.

Which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in the Senate amendment to the following House bill:

By Mr. Byars:

H. 249. To repeal an Act entitled "An Act to provide that certain officers of Lawrence County, Alabama, shall each receive an increase in pay, as follows: The members of the Board of Revenue shall each receive Four Dollars (\$4.00) per day instead of Three Dollars per day for service rendered, to be paid from the general fund of the County." Approved April 21, 1936; and to provide that the compensation of the members of the Court of County Commissioners or Board of Revenue or like governing body of Lawrence County Alabama, or by whatever name called, be in the same amounts as is fixed by the general law of the State of Alabama for the compensation of the members of the Courts of County Commissioners or Boards of Revenue of the several counties of the State; and to provide that the compensation of said members, as herein fixed, while said members are engaged in the performance of their duties in connection with the supervision, construction, maintenance, and repair of the public roads and/or bridges of said County; may be paid out of the Gasoline excise Tax levied by the State of Alabama accruing to Lawrence County, Alabama; and to repeal all laws and parts of laws, general, special or local, in conflict herewith; and to provide that if any clause, part or section of this Act shall be held invalid, the remainder of the same shall be in full force and effect.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following:

By Rules Committee:

S. J. R. 25. Relative to two Houses adjourning today to meet again on Friday, January 29, 1937, at 10 o'clock A. M.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

SPECIAL ORDER SET

On motion of Mr. Russell, the bill:

H. 86. To establish a Commission and empower it to eliminate unfair practices in the tobacco trade and to provide for the expenses of said Commission.

Was made a Special, Paramount and Continuing Order of Business on the Call of the Calendar on the Nineteenth Legislative Day.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the seventeenth Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the seventeenth Legislative day approved by the Senate.

ADJOURNMENT

At 5:15 P. M., on motion of Mr. Mooneyham and in accordance with Joint Resolution heretofore adopted, the Senate adjourned until tomorrow morning at 10 o'clock.

EIGHTEENTH DAY

Friday, January 29th, 1937.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The session was opened with prayer by Rev. John Hingson, Jr., of Louisville, Ky.

ROLL CALL

Present:

Messrs.:

Bonner
Browder
Carlton
Chesnut
Cook
Dorsey
Frazer
Goldsmith

Kelly
Kuykendall
Locke
Mixon
Mooneyham
McConnell
McDowell
Parrish

Richardson
Riddle
Russell
St. John
Starnes
Stephens
Stoddard

Taylor
Thomas
Tucker
Walden
Walton
Weaver
Woodall

—30

JOURNAL

On motion of Mr. Mooneyham the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Walton, leave of absence was granted Mr. Swift for today.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Kuykendall:

S. 116. To create a Hospital Board for Walker County, prescribe its duties, to authorize the equipment and operation of the County owned Hospital and Nurses Home, to require the chairman and superintendent to give bond, conditioned as provided by law for official bonds, to fix the salary of the superintendent and other employees, to appropriate out of the general funds of the said County, \$1,000.00 per month, and provide the manner of its pay-

ment, for the care and treatment of indigent patients of said County, to provide for the appointment of members of said Hospital Board, and their qualifications, and to pass on the necessity of indigent patients needing hospitalization, and to fix charges for pay patients, and to provide that the present members of the Hospital Board as now constituted, shall serve the remainder of their terms of office under their present appointment by the Board of Revenue, and to make the said appropriations a preferred claim against the County.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows.

NOTICE

Notice is hereby given that an act will be introduced in the present session of the Legislature of Alabama in substance as follows:

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby created a hospital board for Walker County, Alabama, said board to be composed of seven members, three of whom shall be licensed physicians and members of the Walker County Medical Society; to be selected by the Walker County Board of Revenue, or other governing body of said county, and to serve without pay for the term of their appointment.

Section 2. That said hospital board be, and it is hereby authorized and empowered to equip, maintain, and operate the county hospital known as the Peoples' Hospital, for the reception of sick, wounded, infirm or of persons in need of hospital treatment, and to make such rules and regulations as are necessary for the proper operation of said hospital.

Section 3. That there be, and is hereby appropriated out of the general funds of Walker County the sum of one thousand dollars (\$1,000.00) per month to the County Hospital Board for the purpose of aiding and defraying the expenses of county indigent patients needing hospitalization, who are unable to provide for themselves such needed hospitalization. Such appropriations to be a preferred claim against the County.

Section 3½. That on July 15 and January 15 of each year all surplus moneys in the treasury of the Hospital Board over and above the amount necessary for operation of said hospital, for indigent patients, shall be converted back to the county treasury of Walker County or the same may be credited on the appropriation due to be made under provisions of this Act until the same is taken up and assumed.

Section 3a. That on or before July 15 and January 15 of each year the hospital board shall furnish to the Board of Revenue of Walker County a financial statement of the said hospital, showing the amount on hand on January 1 and July 1 of each year and the amount expended by said board and the amount taken in by said board other than appropriation by county and for what expended.

Section 4. That said hospital shall be operated mainly as a charitable institution and not for gain or profit, but may admit patients who are able to pay, and to charge admission to said hospital to such persons who are able to pay, and fix and collect a reasonable charge therefor.

Section 5. That said hospital board shall employ a suitable person to serve both as superintendent and as secretary for said board, and who shall keep a record of all transactions of said hospital, and shall maintain an

office in said hospital, and said superintendent to perform such duties as are required of him by said board, and shall make reports to said board as may be required of him and said board shall fix the salary of such superintendent not to exceed \$160.00 per month.

Section 6. That the superintendent as herein provided, shall also act as treasurer for all funds appropriated to the hospital and collected by said hospital for treatment, of its patients, or otherwise, and shall be required to give bond, conditioned as provided by law, such bond to be fixed at \$5,000.00 and to pay and defray the expenses as herein provided upon warrants drawn by said superintendent, which warrants shall be countersigned and approved by the chairman of said board.

Section 7. That after said hospital board is appointed, as herein provided, it shall elect one of its members chairman of said board, whose duty it shall be to preside at all meetings of the board, and to call the board together when requested by a majority of the members of the board to do so, and to do and perform such other duties as may be prescribed by said board.

Section 8. That the present members of the hospital board be and are hereby made members of the hospital board under the provisions of this act to serve during the remainder of their term as appointed by the Board of Revenue of Walker County, and that at expiration of their respective terms of office on said board, the Board of Revenue shall make appointments to fill the vacancies as they occur as hereinabove provided in this act.

Section 9. That this act shall go into effect on the first day of the first month after its passage and approval by the Governor.

Section 10. That if any section, clause, provision or portion of this act shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of this act which is not in and of itself unconstitutional.

Section 11. That all laws and parts in conflict herewith be and the same are hereby expressly repealed.

W. S. Sparks,
G. W. Posey.

AFFIDAVIT

STATE OF ALABAMA }
COUNTY OF WALKER }

Before me, the undersigned authority in and for said State and County, this day personally appeared R. W. Boteler, Assistant Manager of The Mountain Eagle, a newspaper published in Jasper, Walker County, Alabama, which has a general circulation in the county in which it is published, which newspaper has been mailed under the second class privileges for fifty-two consecutive weeks prior to the publication of the Notice who, being duly sworn, says that the legal notice, a copy of which is hereto attached, was published in the said The Mountain Eagle for 4 consecutive weeks, namely; Dec. 31, 1936, Jan. 7, 14 & 21, 1937.

The Mountain Eagle
By R. W. Boteler,
Assistant Manager.

Sworn and subscribed to before me, this 21 day of January, 1937.
(Seal)

Mrs. Annie Davis,
Notary Public.

By Mr. Riddle:

S. 117. To require the circuit judges of the state of Alabama and the court reporters to provide free of charge transcripts of testimony in all capital cases tried before them and employ counsel for such defendant when in the opinion of the trial court the defendant is without means to purchase such transcript or employ such attorney and to provide for the taxing of said fee as cost in the case.

Committee on Judiciary.

By Mr. Woodall:

S. 118. To require the commissioners court, boards of revenue or like governing bodies of each county of the State of Alabama to publish the minutes of their proceedings at each regular, revenue, special and adjourned terms in a newspaper printed and published in each county; to require such courts, boards of revenue or like governing bodies to designate such newspaper; to provide for the furnishing of a copy to the publisher of such newspaper for publication and to provide compensation out of the treasury of said county for furnishing such copy and for publishing same.

Committee on Revision of Laws.

By Mr. Kelly:

S. 119. To amend Section 5024 of the Code of 1923.

Committee on Revision of Laws.

By Mr. Mooneyham:

S. 120. For the relief of Kansas City Bridge Company.

Committee on Finance & Taxation.

By Mr. Riddle:

S. 121. To amend Sections 2, 3 and 4 of an Act, approved September 13, 1935 (General Acts 1935, page 1057), entitled "An Act to exempt disabled Veterans of the World War and of the Spanish-American War and of the Civil War from the payment of business or occupational licenses in the State of Alabama and to regulate and restrict such exemptions, and to provide the manner in which such exemptions shall be allowed".

Committee on Finance & Taxation.

REPORTS OF COMMITTEES

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Weaver:

S. 105. To amend an act entitled an Act "To create and establish a Board of Revenue in and for Limestone County, Alabama, to be composed of five members, one of whom shall be chairman of said board; to fix the qualifications of the chairman and the members of said board; to provide where the chairman and members of said board shall reside during their term of office; to abolish the Court of County Commissioners of said County; to divide said County into four districts and to define the boundaries of each of said districts; to designate, declare and appoint a member from each of said districts and to define the term of office of each of said members of the Board of Revenue so designated declared and appointed; to provide for the appointment of the chairman of said board and to fix the term of his office under said appointment; to provide for the filling of vacancies in said board; to provide for the nomination of the chairman and each member of said board; to provide for the election of the chairman of the said board and the members designated, declared and appointed by this Act at the expiration of their respective terms of office; to define the power and jurisdiction of the said board; to fix the compensation of the chairman and members of said board; to confer upon the said board all the jurisdiction, power and authority granted by law to Courts of County Commissioners, Boards of Revenue or other governing bodies of like name or authority in this State; to repeal all laws in conflict with this Act, approved July 27, 1931, by amending Sections 5 and 22 of said Act.

By Mr. Browder:

S. 107. To establish juvenile courts in all counties in the State of Alabama now having a population of not less than 38,880 nor more than 38,890 according to the federal census of 1930, defining their powers and jurisdictions and providing for the process and procedure of said courts; for the appointment of the judge of such courts; their terms of office and salary; and defining their duties; and providing for the payment of the expenses of such courts by the Boards of County Commissioners or by whatever name they shall be known in said Counties; and providing for the detention of juvenile delinquents and dependents and neglected children; and providing for the protection of said children against disqualification or prejudice on account of judgment or order of said court or any confession, statement, declaration or admission or silence or demeanor of said juveniles.

By Mr. Kuykendall:

S. 110. To provide additional compensation for judges of the circuit court in judicial circuits of this state now or hereafter having two judges and now or hereafter composed of five counties.

one of said counties having a population of not less than 55,000 according to the last or any succeeding Federal census, and to provide the way and manner of paying the same.

By Mr. Goodwyn:

H. 252. To designate the time, each year, when the Board of Registrars shall sit for the purpose of registering voters in all counties having a population of not less than 75,000 nor more than 100,000 population according to the last or any succeeding Federal census; to provide that said session shall be in lieu of all other sessions now authorized by law and to repeal all laws or parts of laws in conflict herewith.

By Mr. Hill:

H. 257. To provide for the election of members of the Board of Education of Marion County, and the time and manner thereof and the time and manner of the election and selection of the successors to the present board shall be elected by the qualified electors of each of the sub-divisions of said county herein designated and described; and to provide for their terms of office and to provide for the duties of powers of the said Board of Education, and for the compensation and qualification of members thereof.

Mr. Mooneyham, Chairman of the Standing Committee on Municipalities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Roberson (Cullman) (with substitute):

H. 121. To provide for and authorize the incorporation of a Water Works Board for the several cities and incorporated towns of Alabama; to provide for the powers and duties of such Water Works Board; to authorize such board, subject to the limitations herein stated, to purchase or construct a water works system, water supply systems, and all necessary equipment and appliances incident thereto; to authorize such city or incorporated town to purchase from said Water works board a sufficient supply of water necessary to supply the inhabitants of such city or incorporated town and surrounding territory; to authorize such board to borrow money and to issue revenue bonds to secure the same, payable solely from the revenues derived from the operation of such system or systems; to regulate the issuance, sale, and refunding of such bonds and of other matters in connection therewith; to regulate the use of revenues of such system or systems when such bonds are issued or authorized; to confer on such board the right of eminent domain.

MOTION TO RE-CONSIDER VOTE

Mr. Mooneyham moved that the Senate re-consider the vote by which the bill:

H. 63. To Amend an Act entitled "An Act to prescribe legal investments of trust funds by fiduciaries" Approved Feby. 8, 1935.

Was lost on the last Legislative Day, January 28th, 1937, and that said motion to re-consider be carried over to the Nineteenth Legislative day.

Which motion was adopted.

RESOLUTIONS

The Rules Committee reported the following joint Resolution:

S. J. R. 28. BE IT RESOLVED BY THE SENATE, the House concurring, that when the two houses adjourn to-day, they adjourn to meet again on Tuesday, February 2, 1937 at 11 o'clock A. M.

Which was adopted.

Mr. Walton offered the following joint resolution:

S. J. R. 29. WHEREAS, the Franklin Delano Roosevelt Memorial Association was organized and incorporated in this state for the purpose of promoting a memorial to our President, Franklin Delano Roosevelt, in the form of a hospital for cripple children, and

WHEREAS, the Association has selected the site of Old LaGrange College in Colbert County for the erection of said memorial hospital, and

WHEREAS, a number of public spirited citizens of Colbert County, Alabama, have donated approximately 400 acres of land to the Association without cost to it, this land formerly constituting the town of LaGrange, Alabama, and

WHEREAS, the States of Tennessee and Mississippi through the chief executives and leading citizens are cooperating with the State of Alabama to make this undertaking successful, and

WHEREAS, the Alabama State Federation of Labor and the Tennessee State Federation of Labor, the American Legion Department of Alabama have passed resolutions endorsing this worthy movement and urging their membership to support it morally and financially, and

WHEREAS, the governors: Bibb Graves of Alabama; Hill McAllister of Tennessee; and Hugh White of Mississippi, have issued proclamations and statements urging the citizens of their respective states to support this undertaking, and

WHEREAS, the members of the Alabama State Legislature respect and admire President Roosevelt for his unselfish and patriotic interest and efforts in behalf of cripple children, and

WHEREAS, the outbreak of Infantile Paralysis Epidemic in this section of the country emphasizes the importance of and necessity for additional facilities to take care of those children who have been left cripple and otherwise injured by this dread disease, and

WHEREAS, we desire to do honor to that great humanitarian who has through the years manifested a peculiar interest in the rehabilitation of the victims of this terrible enemy of childhood, therefore be it

RESOLVED, by the members of the Alabama State Legislature assembled in special session in Montgomery, Alabama, this the 29th day of January, 1937, that we do hereby endorse the movement sponsored by the Franklin Delano Roosevelt Memorial Association to erect a hospital for cripple childhood in the Tennessee Valley on the site of Old LaGrange College in Colbert County, Alabama, and to dedicate same as a memorial to the Honorable Franklin Delano Roosevelt, be it further

RESOLVED, that we do hereby call upon the citizens of Alabama to cooperate with the Franklin Delano Roosevelt Memorial Association in the campaign to raise funds for this worthy enterprise, be it further

RESOLVED, that copies of this resolution be sent to the President, to the governor of Tennessee, the governor of Mississippi, and to the Roosevelt Memorial Association, Sheffield, Alabama.

And on motion of Mr. Frazer the rules were suspended and the resolution adopted.

Mr. Kelly offered the following joint resolution:

S. J. R. 30. BE IT RESOLVED by the Senate, the House concurring, that House Bill 112 be known as and named the Welch-Woodall-Walden bill.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills.

S. 86. To authorize and empower the Board of County Commissioners of Pike County, Alabama, to transfer and assign, sell or pledge not more than one-third (1/3) of the County's part of the Gasoline taxes now or hereafter levied by the State of Ala-

bama and divided among the sixty-seven counties of the state, for a period not exceeding fifteen (15) years, and to authorize the issuance and sale of warrants, securities, debentures or assignments of said taxes, and to provide for the payment of such warrants, debentures, securities or assignments out of such county's part of such gasoline taxes; and to provide for the use of such proceeds of sale of such securities in the construction, maintenance, repair surfacing, hard surfacing, or re-surfacing of roads and bridges, and the matching of funds with the State of Alabama and/or the United States of America, for Highway and Bridge purposes; and to further provide for authority for the County for the deposit of such proceeds with the State of Alabama for Highway or bridge purposes.

Also:

S. 85. To Alter and rearrange the boundaries of the town of Mignon, Talladega County, Alabama.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

SPECIAL ORDER SET

On motion of Mr. Walton, the bill:

S. 96. To amend Section 5 of an Act entitled "An Act to amend an Act entitled, 'An Act to provide for the General Revenue of the State of Alabama, Approved July 10, 1935,' by adding Schedule 155.4A and Schedule 155.4B to Section 348 of said Act', Approved December 17, 1936".

Was made a Special, Paramount and Continuing Order of Business immediately after consideration of H. B. 86, on the call of the Calendar for the Nineteenth Legislative Day.

BILLS ON THIRD READING

The bill:

H. 275. To amend Section 18 of an Act entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the

settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its power and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled 'An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system and for other purposes; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act," approved September 14, 1935, as amended by an Act entitled "An Act to amend Section 18 of an Act approved September 14, 1935, and entitled 'An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system and for other purposes;" to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violation of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act'" approved April 21,

Was read a third time at length and passed.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:

Browder	Mixon	Riddle	Taylor
Chesnut	Mooneyham	Russell	Thomas
Cook	McConnell	St. John	Tucker
Dorsey	McDowell	Starnes	Walton
Goldsmith	Parrish	Stephens	Weaver
Kelly	Richardson	Stoddard	Woodall
Locke			

—25

Nays:—None.

The bill:

H. 218. To define and prescribe the powers, authorities and duties of the Solicitor of the Morgan County Court of Morgan County, Alabama.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Parrish	Stoddard
Browder	Kuykendall	Richardson	Thomas
Carlton	Locke	Riddle	Tucker
Chesnut	Mixon	Russell	Walden
Cook	Mooneyham	St. John	Walton
Dorsey	McConnell	Starnes	Weaver
Frazer	McDowell	Stephens	Woodall

—28

Nays:—None.

The bill:

H. 192. To authorize the Elmore County Board of Education, or other governing body having control of Elmore County's public school funds, at its discretion, to retire with pay, any teacher who is seventy-four years of age, or over, and who has taught school in said county for at least twenty-two consecutive years, or more, next preceding January 1st, 1937, and providing that said retirement pay shall not exceed Six Hundred Dollars per annum, and to further provide for manner of payment.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Frazer	Mooneyham	Riddle
Browder	Kelly	McConnell	Russell
Carlton	Kuykendall	McDowell	St. John
Chesnut	Locke	Parrish	Starnes
Dorsey	Mixon	Richardson	Stephens

Stoddard Taylor	Thomas Tucker	Walden Walton	Weaver Woodall
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—28

Nays:—None.

The bill:

H. 223. To supplement the salaries of the Circuit Judges in Alabama in all Judicial Circuits that now is or may hereafter be composed of only three Counties, one of which such Counties is now or may hereafter be divided into two jurisdictions with the holding of the Circuit Court in each jurisdiction of such County so divided, and said Circuit having only two Judges, and to provide for the payment of such Judges supplemental salaries.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Richardson	Taylor
Browder	Locke	Riddle	Thomas
Chesnut	Mixon	Russell	Tucker
Cook	Mooneyham	St. John	Walden
Dorsey	McConnell	Starnes	Walton
Frazer	McDowell	Stephens	Weaver
Kelly	Parrish	Stoddard	Woodall

—28

Nays:—None.

The bill:

H. 127. To fix the Compensation of the Deputy Solicitor in all Counties of this State, which now have or which may hereafter have a population of 60,000 or more according to the last or any subsequent Federal Census and while such Counties are embraced in Judicial Circuits having more than one County.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Richardson	Taylor
Browder	Locke	Riddle	Thomas
Chesnut	Mixon	Russell	Tucker
Cook	Mooneyham	St. John	Walden
Dorsey	McConnell	Starnes	Walton
Frazer	McDowell	Stephens	Weaver
Kelly	Parrish	Stoddard	Woodall

—28

Nays:—None.

The bill:

H. 123. To authorize and empower the County School Board of Crenshaw County, Alabama, to allow and pay to the County Superintendent of Education a reasonable expense account used in connection with his office.

Was taken up.

Mr. Stoddard offered the following amendment to the bill, to-wit:

Amendment to H. 123:

Amend Section 1 of H. B. 123 by inserting after the words "expense account" the words, "not to exceed \$200.00 per annum.

Which was adopted.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Richardson	Taylor
Browder	Locke	Riddle	Thomas
Chesnut	Mixon	Russell	Tucker
Cook	Mooneyham	St. John	Walden
Dorsey	McConnell	Starnes	Walton
Frazer	McDowell	Stephens	Weaver
Kelly	Parrish	Stoddard	Woodall

—28

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Richardson	Taylor
Browder	Locke	Riddle	Thomas
Chesnut	Mixon	Russell	Tucker
Cook	Mooneyham	St. John	Walden
Dorsey	McConnell	Starnes	Walton
Frazer	McDowell	Stephens	Weaver
Kelly	Parrish	Stoddard	Woodall

—28

Nays:—None.

The bill:

H. 122. To authorize and empower the County Board of Education of Crenshaw County, Alabama, to purchase necessary office equipment, supplies, stationery, postage and any necessities for the office of said County School Board of Education of Crenshaw County, and to pay for same out of the School Funds of Crenshaw County, Alabama.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Richardson	Taylor
Browder	Locke	Riddle	Thomas
Chesnut	Mixon	Russell	Tucker
Cook	Mooneyham	St. John	Walden
Dorsey	McConnell	Starnes	Walton
Frazer	McDowell	Stephens	Weaver
Kelly	Parrish	Stoddard	Woodall

—28

Nays:—None.

The bill:

H. 217. To regulate and govern the jurisdiction of justices of the peace and notaries public with powers of justices of the peace in Madison County, Alabama; to provide that an exercise or attempted exercise of contrary jurisdiction shall constitute a misdemeanor; and to repeal an Act entitled an Act "To abrogate and abolish the jurisdiction of Justices of the Peace and Notaries Public with powers of Justices of Peace in Madison County, Alabama, of all criminal causes except as committing magistrates in felony cases," approved March 2, 1931, (Local Acts 1931, p. 20).

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Richardson	Taylor
Browder	Locke	Riddle	Thomas
Chesnut	Mixon	Russell	Tucker
Cook	Mooneyham	St. John	Walden
Dorsey	McConnell	Starnes	Walton
Frazer	McDowell	Stephens	Weaver
Kelly	Parrish	Stoddard	Woodall

—28

Nays:—None.

The bill:

H. 264. "To prohibit the use of steel traps and similar devices in Shelby County, Alabama, and prescribe punishment for the Violation of this act."

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Chesnut	Dorsey	Kelly
Browder	Cook	Frazer	Kuykendall

Locke	Parrish	Starnes	Tucker
Mixon	Richardson	Stephens	Walden
Mooneyham	Riddle	Stoddard	Walton
McConnell	Russell	Taylor	Weaver
McDowell	St. John	Thomas	Woodall

—28—

Nays:—None.

The bill:

S. 102. To provide for a Board of Education for the town of Luverne, Alabama; to fix the number of the members of said Board; to provide for their election and to define their duties; to fix the term of office of each member of said Board; to relieve the County Board of Education of Crenshaw County, Alabama of all duties and responsibilities now conferred upon said County Board of Education by law with reference to the election of teachers for the schools situated in the town of Luverne, Alabama, and the school district in which the same is located.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Richardson	Taylor
Browder	Locke	Riddle	Thomas
Carlton	Mixon	Russell	Tucker
Chesnut	Mooneyham	St. John	Walden
Dorsey	McConnell	Starnes	Walton
Frazer	McDowell	Stephens	Weaver
Kelly	Parrish	Stoddard	Woodall

—28—

Nays:—None.

The bill:

S. 95. To relieve Crenshaw County, Alabama from the payment of that certain warrant number 1458 of said County and in favor of the Highway Commission of Alabama, for revision of the Luverne and Troy Highway.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Dorsey	Locke	McDowell
Browder	Frazer	Mixon	Parrish
Carlton	Kelly	Mooneyham	Richardson
Chesnut	Kuykendall	McConnell	Riddle

Russell	Stephens	Thomas	Walton
St. John	Stoddard	Tucker	Weaver
Starnes	Taylor	Walden	Woodall

—28

Nays :—None.

The bill:

H. 230. To amend Section Two (2) of an Act approved May 28, 1931 entitled 'An Act to preserve the commissioners' district of Washington County, Alabama as now fixed by law, or as may be hereafter prescribed; to make the commissioners now holding office in each district, and the Judge of Probate of said county, a board of road supervisors, in addition to their duties and to fix their salaries; to repeal an act approved August 20, 1927 of the Local Acts of 1927 as found on page 234 thereof', and to provide for the expenses of said road supervisors."

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:			
Bonner	Kuykendall	Richardson	Taylor
Browder	Locke	Riddle	Thomas
Carlton	Mixon	Russell	Tucker
Chesnut	Mooneyham	St. John	Walden
Dorsey	McConnell	Starnes	Walton
Frazier	McDowell	Stephens	Weaver
Kelly	Parrish	Stoddard	Woodall

—28

Nays :—None.

The bill:

S. 82. To amend Section 368 of an Act entitled "An Act to provide for the General Revenue of the State of Alabama", approved July 10, 1935.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:			
Bonner	Mixon	Riddle	Thomas
Carlton	Mooneyham	Russell	Tucker
Chesnut	McConnell	St. John	Walden
Cook	McDowell	Starnes	Walton
Kelly	Parrish	Stephens	Weaver
Kuykendall	Richardson	Taylor	Woodall
Locke			

—25

Nays :—None.

The bill:

H. 27. To provide an annual appropriation of \$500.00 out of the State Treasury, or so much thereof as may be necessary, for each of the three fiscal years ending, respectively, September 30th, 1937, 1938 and 1939, to help defray the expenses of the annual encampment and reunion of the Alabama Department, United Spanish War Veterans.

Was read a third time at length and passed.

Yeas, 27; Nay, 1.

Yeas:

Messrs.:

Bonner	Kuykendall	Richardson	Thomas
Carlton	Locke	Riddle	Tucker
Chesnut	Mixon	Russell	Walden
Cook	Mooneyham	St. John	Walton
Dorsey	McConnell	Starnes	Weaver
Frazer	McDowell	Stephens	Woodall
Kelly	Parrish	Taylor	

—27

Nay: Mr. Goldsmith

— 1

The bill:

H. 259. To further provide for the redemption of real estate heretofore sold for taxes and, prior to Jan. 1, 1935, bid in by the State at tax sale.

Was read a third time at length and passed.

Yeas, 24; Nay, 1.

Yeas:

Messrs.:

Bonner	Kuykendall	Riddle	Thomas
Browder	Locke	Russell	Tucker
Carlton	Mixon	St. John	Walden
Chesnut	Mooneyham	Starnes	Walton
Cook	McConnell	Stephens	Weaver
Dorsey	Richardson	Taylor	Woodall

—24

Nay: Mr. Goldsmith

— 1

The bill:

S. 50. To amend Section 1 of an Act approved April 21, 1936, entitled, "An Act To amend Section 51, of an Act approved August 23, 1927, entitled: An Act To provide a general system of legislation pertaining to public roads, highways and bridges, including therein the establishment of a State Highway Department and State Highway Commission; to create the office of Alabama Highway Director in Alabama; to define and regulate the powers, duties and authority of the State Highway Commission and of local authorities, boards of revenue, courts of county Com-

missioners, municipalities or like governing bodies; to provide authority and empower the Board of Administration to make agreements and contracts with the State Highway Commission for convict labor and let contracts for signs, advertising, etc., on highways; to define and provide rules of the road, including traffic regulations, penal violations, duties of owners and drivers and the regulation as to size, weight and equipment of motor vehicles moving over, along, or upon such roads; to provide for the establishment, discontinuance, working and maintenance of public roads, bridges and ferries; to provide for the establishment and maintenance of private roads; to provide for State Bonds for construction and maintenance of roads, issue and sale of; Good roads Day established; Offenses concerning toll bridges, turnpikes and causeways; protecting bridges from floating logs and to provide against injury to mill dams, bridges, canals and road gates; to provide for working of public roads, persons liable and persons exempt from road duty; to provide for railroad tracks, bridges, viaducts and tunnels; and the repeal of all laws and parts of laws in conflict with the provisions of this Act, except such laws pertaining to revenue."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 25; Nays, 2.

Yeas:

Messrs.:

Bonner	Kuykendall	Richardson	Thomas
Browder	Locke	Russell	Tucker
Chesnut	Mixon	St. John	Walden
Cook	Mooneyham	Starnes	Walton
Dorsey	McConnell	Stephens	Weaver
Goldsmith	Parrish	Taylor	Woodall
Kelly			

—25

Nays: Messrs. Carlton and Frazer.

—2

The bill:

H. 103. To provide assistance to needy blind persons; to define who is eligible for such assistance; to authorize the State Department of Public Welfare to administer such assistance; to authorize the County Departments of Public Welfare to administer such assistance under the supervision of the State Department of Public Welfare in the several counties; to provide that county boards of revenue or courts of county commissioners or other governing bodies of the counties shall appropriate funds for assistance to needy blind persons; to provide for the allocation of funds to the counties by the State Department for the purposes of this Act; to define offenses against this Act and to fix punishments for such

offenses; to provide for cooperation with the government of the United States and its agencies in caring for the needy blind; and to repeal all laws in conflict herewith.

Was taken up.

The Standing Committee on Public Health offered the following amendment to the bill, to-wit:

Amend House Bill 103 by striking out subsection (c) of Section 3 and substituting therefor the following: "(c) has attained the age of sixteen years".

Amend House Bill 103 by striking out Sections 7 and 11.

Which was adopted.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Riddle	Thomas
Browder	Locke	Russell	Tucker
Carlton	Mixon	St. John	Walden
Chesnut	Mooneyham	Starnes	Walton
Cook	McConnell	Stephens	Weaver
Kelly	Parrish	Taylor	

—23

Nays:—None.

Mr. Riddle also offered the following amendment to the bill, to-wit:

Amend House bill 103 as follows:

Add immediately after section 16 of said bill the following words: "Section 16½: The Governor may, whenever in his judgment the welfare of the state demands, order heretofore or hereafter appropriated to the Department of Public Welfare for the carrying out of any of the provisions of this Act."

Which was adopted.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Richardson	Taylor
Browder	Locke	Riddle	Thomas
Carlton	Mixon	Russell	Tucker
Chesnut	Mooneyham	St. John	Walden
Cook	McConnell	Starnes	Weaver
Dorsey	Parrish	Stephens	Woodall
Kelly			

—25

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Riddle	Thomas
Browder	Locke	Russell	Tucker
Carlton	Mixon	St. John	Walden
Chesnut	Mooneyham	Starnes	Walton
Cook	McConnell	Stephens	Weaver
Dorsey	Parrish	Taylor	Woodall
Kelly	Richardson		

—26

Nays:—None.

The bill:

H. 80. To provide for the exemption from ad valorem taxation of the property of all incompetent veterans to the value of two thousand dollars and to define the meaning of the term "incompetent veteran".

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Bonner	Frazer	Riddle	Thomas
Browder	Kuykendall	Russell	Walden
Carlton	Locke	St. John	Walton
Chesnut	Mixon	Starnes	Weaver
Cook	Mooneyham	Stephens	Woodall
Dorsey	Richardson	Taylor	

—23

Nays:—None.

The bill:

H. 112. To propose an amendment to the Constitution of Alabama to be known as Article..... providing that all proceeds derived from any State excise, privilege, or license taxes on the disposition of gasoline, other liquid motor fuels, or substitutes therefor and any State excise or license taxes on motor vehicles or trailers or on motor vehicle owners or operators for the operation of such motor vehicles shall, except for necessary cost of collection and administration, be apportioned and used solely and exclusively for construction, reconstruction, maintenance, supervision, and repair of public roads, highways, streets, and bridges within the State; for interest and retirement of loans or obligations incurred in connection with such functions and shall not be diverted by transfer of funds or otherwise to any other purpose.

Was taken up.

Mr. Woodall offered the following amendment to the bill, to-wit:

Amend the caption and sections 1 and 3 of House Bill 112 by inserting a comma and the words "except revenue derived from drivers license fees," between the words "operators" and "for" whenever they appear in the Caption and Sections 1 and 3.

Which was adopted.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Goldsmith	McDowell	Taylor
Browder	Kelly	Parrish	Thomas
Carlton	Kuykendall	Richardson	Walden
Chesnut	Locke	Riddle	Walton
Cook	Mixon	Russell	Weaver
Dorsey	Mooneyham	Starnes	Woodall
Frazer	McConnell	Stephens	

—27

Nays:—None.

And said bill, as thus amended, was read a third time at length as required by the Constitution and passed.

Yeas, 22; Nays, 3.

Yeas:

Messrs.:

Bonner	Goldsmith	Parrish	Taylor
Carlton	Kelly	Riddle	Thomas
Chesnut	Kuykendall	Russell	Walden
Cook	Locke	Starnes	Weaver
Dorsey	Mixon	Stephens	Woodall
Frazer	McDowell		

—22

Nays: Browder, Richardson and Walton

— 3

The bill:

H. 38. To Amend Section 23 of an act entitled "An Act To Provide for The General Revenue of the State of Alabama," approved July 10, 1935.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Richardson	Taylor
Browder	Kuykendall	Riddle	Thomas
Carlton	Mixon	Russell	Tucker
Chesnut	Mooneyham	St. John	Walden
Cook	McConnell	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Frazer	Parrish	Stoddard	Woodall

—28

Nays:—None.

The bill:

H. 37. To Amend Section 161-A of an act entitled "An Act To Provide for the General Revenue of the State of Alabama," approved July 10th, 1935.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Richardson	Taylor
Browder	Kuykendall	Riddle	Thomas
Carlton	Mixon	Russell	Tucker
Chesnut	Mooneyham	St. John	Walden
Cook	McConnell	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Frazer	Parrish	Stoddard	Woodall

—28

Nays:—None.

The bill:

H. 36. To Amend Section 370-A of an act entitled "An Act To Provide for the General Revenue of the State of Alabama," approved July 10th, 1935.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Richardson	Taylor
Browder	Kuykendall	Riddle	Thomas
Carlton	Mixon	Russell	Tucker
Chesnut	Mooneyham	St. John	Walden
Cook	McConnell	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Frazer	Parrish	Stoddard	Woodall

—28

Nays:—None.

The bill:

S. 97. To require registration of persons engaged in influencing or attempting to influence or to prevent legislation by the Legislature of Alabama, and to require reports to be filed by such persons and to provide penalties for failure to comply with the provisions of this Act, and for the making of false reports.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Goldsmith	McDowell	Stephens
Browder	Kelly	Parrish	Thomas
Carlton	Kuykendall	Richardson	Walden
Chesnut	Locke	Riddle	Walton
Cook	Mixon	Russell	Weaver
Dorsey	Mooneyham	St. John	Woodall
Frazer	McConnell	Starnes	

—27

Nays:—None.

The bill:

S. 90. To provide for and submit to the qualified electors of the State of Alabama, at an election to be held on the second Tuesday next after the expiration of three months from the date of the final adjournment of the present session of the Legislature, an amendment to the Constitution of Alabama authorizing Limestone County to levy and collect a tax of one mill, for use in malaria control work, in addition to all taxes now authorized.

Was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Parrish	Stephens
Browder	Kuykendall	Richardson	Thomas
Carlton	Locke	Riddle	Walden
Chesnut	Mixon	Russell	Walton
Cook	Mooneyham	St. John	Weaver
Dorsey	McConnell	Starnes	Woodall
Frazer	McDowell		

—26

Nays:—None.

The bill:

H. 126. To amend Section 8280 of the Code of Alabama.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Parrish	Stephens
Browder	Kuykendall	Richardson	Thomas
Carlton	Locke	Riddle	Walden
Chesnut	Mixon	Russell	Walton
Cook	Mooneyham	St. John	Weaver
Dorsey	McConnell	Starnes	Woodall
Frazer	McDowell		

—26

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following:

By Rules Committee:

S. J. R. 28. Relative to two Houses adjourning today to meet again on Tuesday, February 2, 1937, at 11 o'clock A. M.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Owen (Etowah):

H. 305. To require the registration of all claims against the Fine and Forfeiture Fund of Etowah County, and prohibit the payment of claims not filed within the time provided by this act.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that there will be introduced at the Extra Session of the Legislature of Alabama now in session and passage thereof applied for, a local bill applicable to Etowah County, as follows:

AN ACT to require the registration of all claims against the Fine and Forfeiture Fund of Etowah County, and prohibit the payment of claims not filed within the time provided by this act.

Be it enacted by the Legislature of Alabama as follows:

Section 1: All claims against the Fine and Forfeiture Fund of Etowah County, both of the old and the new series, heretofore issued and unpaid shall within six months after the passage and approval of this Act be presented to the Board of Revenue of Etowah County, and by said Board registered in a book kept for that purpose and claims not registered within that time shall be barred and the payment thereof prohibited.

Section 2: All claims against the Fine and Forfeiture Fund of Etowah County, issued after the approval of this Act, shall be registered in the office of the Board of Revenue of Etowah County within six months from the date of issue and if not registered within that time they shall be barred and the payment of the same prohibited.

Section 3: All claims registered under the provisions of this Act shall be paid in the order of their registration as funds in the Fine and Forfeiture account become available.

Section 4: All laws general or local in conflict with the provisions of this Act are hereby repealed.

THE STATE OF ALABAMA }
 ETOWAH COUNTY }

CIRCUIT COURT * IN EQUITY

Personally appeared before me, Walter M. Thompson, Register of said Court, A. F. Leavitt, publisher of The Etowah Observer, a newspaper published in Etowah County, Alabama, who makes oath and says that the notice hereto attached, marked Exhibit A., was published in the said The Etowah Observer once a week for 4 consecutive weeks, commencing on the 31st day of December and ending on the 21st day of January, 1937.

A. F. LEAVITT,
 Publisher.

Subscribed to and sworn before me on this 22nd day of January, 1937.

WALTER F. THOMPSON,
 Register.

EXHIBIT A

Also:

By Mr. Hill:

H. 293. To authorize the payment of the per diem and mileage of the members of the Court of County Commissioners of Marion County, Alabama, from the gasoline funds received by it from the State.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that at the present extraordinary session of the Legislature of Alabama, application will be made for the passage of a bill in substance as follows:

A BILL

To be entitled:

An Act

To authorize the payment of the per diem and mileage of the members of the Court of County Commissioners of Marion County, Alabama, from the gasoline funds received by it from the State.

Be it enacted by the Legislature of Alabama:

Section 1. The Court of County Commissioners of Marion County, Alabama, is hereby authorized and empowered to pay the per diem and mileage of the members of said Court, as provided in Section 6771 of the 1923 Code of Alabama, from the gasoline funds received by it from the State.

This Dec. 22, 1936.

STATE OF ALABAMA,
 MARION COUNTY.

Before me, J. D. Sexton, Clerk of Circuit Court in and for said County, in State aforesaid, personally appeared F. B. McKENZIE, who, being duly sworn, doth depose and say that he is publisher of THE MARION COUN-

TY NEWS, a weekly newspaper published in the Town of Hamilton, State and County aforesaid, and that a certain advertisement (a true copy of which is hereto attached) has been published in said newspaper for 4 consecutive weeks prior to the 15 day of Jan., 1937, and the respective numbers and dates of said newspaper in which said publication was made are the following, to-wit: No. 8 the 24th day of December 1936, No. 9 the 31st day of December, 1936, No. 10 the 7th day of Jan. 1937, No. 11 the 14th day of Jan. 1937.

And that there was no agreement between publisher and officer, and that the actual and lowest cost of said advertisement is \$6.10 and unpaid.

F. B. McKENZIE,
Publisher.

Sworn to and subscribed before me, this 15th day of Jan. 1937.

J. D. SEXTON,
Clerk of Circuit Court.

Also:

By Mr. Boswell:

H. 291. To establish the office of Road Supervisor in and for the County of Geneva, to prescribe his qualifications and duties, to fix his salary and provide for the method of his election or appointment.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that a bill will be introduced at the present extraordinary session of the Legislature of Alabama to establish the office of Road Supervisor in and for the County of Geneva; to prescribe his qualifications and duties, to fix his salary and to provide for the method of his election or appointment.

E. C. BOSWELL.

STATE OF ALABAMA Geneva County

I, H. G. Wilkinson, Editor and Proprietor of the Geneva County Reaper, a weekly newspaper published in Geneva, Geneva County, Alabama*, do hereby certify that the advertisement attached hereto has been published in said newspaper for a period of 4 consecutive weeks, commencing Dec. 17, 1936, Dec. 24, 1936, Dec. 31, 1936, and ending Jan. 7, 1937.

Witness my hand this 7 day of Jan., 1937.

H. G. WILKINSON,

Sworn to and subscribed before me this 7 day of Jan., 1937.

(Seal) W. R. DRAUGHON,
(Register Circuit Court in Equity).

*This is to certify that the Geneva County Reaper has a general circulation in the County in which it is published and that this newspaper has been mailed under the second class mailing privileges for 52 consecutive weeks prior to the publication of this foreclosure advertisement, and that a copy of the newspaper containing the first notice of sale was mailed to the mortgagor at his or her last known address.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read one time at length and referred to appropriate Standing Committees as follows:

H. 305 and H. 291—To the Committee on Local Legislation.

H. B. 293—To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 34. To amend Sections 338 and 344 of an act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

Also:

H. 239. To provide that the members of the Court of County Commissioners of St. Clair County, Alabama, shall be paid their per diem and mileage and any and all other lawful claims as is now provided, or may hereafter be provided by law, while engaged in the performance of their duties in connection with the building, construction, maintenance, repairing and/or inspecting of the public roads and/or bridges of said county; out of the Road and Bridge Fund; to further provide that the members of said Court shall continue to be paid their per diem and mileage and any and all other lawful claims as is now provided, or may hereafter be provided by law, while engaged in the performance of any and all other duties required of them as members of such Court, from the General Fund of said County, as heretofore; to authorize and require separate warrants for such per diem and mileage and any and all other lawful claims to be drawn on and paid out of the said Road and Bridge Fund, and out of the General Fund of said County respectively; and to repeal all laws and parts of laws, general, special and local, inconsistent with or in conflict with the provisions of this Act.

Also:

H. 240. To provide that, that part of the compensation allowed to the Judge of Probate of St. Clair County by Section 7285 of the Code of Alabama of 1923, which is for discharging of his duties in relation to public roads, on proof to the county commissioners that he has discharged such duties, shall be paid out of road and bridge fund, and to repeal all laws, and parts of laws, general, special and local, inconsistent with or in conflict with the provisions of this Act.

Also:

H. 249. To repeal an Act entitled, "An Act to provide that certain officers of Lawrence County, Alabama, shall each receive an increase in pay, as follows: The members of the Board of Revenue shall each receive Four Dollars (\$4.00) per day instead of Three Dollars per day for service rendered, to be paid from the general fund of the County," approved April 21, 1936; and to provide that the compensation of the members of the Court of County Commissioners or Board of Revenue or like governing body of Lawrence County, Alabama, or by whatever name called, be in the same amounts as is fixed by the general law of the State of Alabama for the compensation of the members of the Courts of County Commissioners or Boards of Revenue of the several counties of the State; and to provide that the compensation of said members, as herein fixed, while said members are engaged in the performance of their duties in connection with the supervision, construction, maintenance, and repair of the public roads and/or bridges of said County; may be paid out of the Gasoline Excise Tax levied by the State of Alabama accruing to Lawrence County, Alabama; and to repeal all laws and parts of laws, general, special or local, in conflict herewith; and to provide that if any clause, part or section of this Act shall be held invalid, the remainder of the same shall be in full force and effect.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in session, has carefully examined the Journal of the Senate for the eighteenth Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the eighteenth Legislative day approved by the Senate.

ADJOURNMENT

At 1 P. M., on motion of Mr. Dorsey and in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, February 2nd, 1937, at 11 A. M.

NINETEENTH DAY

Tuesday, February 2, 1937

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The Session was opened with prayer by Senator Chesnut of Cherokee County.

ROLL CALL

Present:

Messrs.:

Browder

Carlton

Chesnut

Cook

Dorsey

Frazer

Goldsmith

Kelly

Kuykendall

Locke

Mixon

Mooneyham

McConnell

McDowell

Parrish

Richardson

Riddle

Rogers

Russell

St. John

Simpson

Starnes

Stephens

Stoddard

Swift

Taylor

Thomas

Tucker

Walden

Walton

Weaver

Wellborn

Woodall

JOURNAL

On motion of Mr. Starnes the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 85. To Alter and rearrange the boundaries of the town of Mignon, Taladega County, Aabama.

S. 86. To authorize and empower the Board of County Commissioners of Pike County, Alabama, to transfer and assign, sell or pledge not more than one-third ($1/3$) of the County's part of the Gasoline taxes now or hereafter levied by the State of Alabama and divided among the sixty-seven counties of the state, for a period not exceeding fifteen (15) years, and to authorize the issuance and sale of warrants, securities, debentures or assignments of said taxes, and to provide for the payment of such warrants, debentures, securities or assignments out of such county's part of such gasoline taxes; and to provide for the use of such proceeds of sale of such securities in the construction, maintenance, repair surfacing, hard surfacing, or re-surfacing of roads and bridges, and the matching of funds with the State of Alabama and/or the United States of America, for Highway and Bridge purposes; and to further provide for authority for the County for the deposit of such proceeds with the State of Alabama for Highway or bridge purposes.

Earl Thomas,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 44. To promote temperance and suppress the evils of intemperance; to regulate and control the manufacture, purchase, bottling, sale, distribution, transportation, handling, advertising, possession, dispensing, drinking and use of alcohol, brandy, rum, whiskey, gin, wine, beer, lager beer, ale, porter, stout, and all liquid beverages and articles containing alcohol obtained by fermentation or otherwise; to create a Department of "Alcoholic Beverage Control," and an "Alabama Beverage Control Board," and to define and provide for the functions, duties, and powers thereof; to provide for the appointment, suspension, removal, compensation, cost and expense of such Board and its members, officers, agents and employees; to provide for the manufacture, sale and distribution of liquors as herein defined; to provide for the manufacture, sale and distribution of malt beverages of an alcoholic content not in excess of four (4%) per cent by weight and five (5%) per cent by volume, and of vinous beverages of an alcoholic content of twenty-four (24%) per cent or less by volume; to provide for the levying and collecting of an excise tax on the sale and distribution within this State of malt beverages of an alcoholic content not in excess of four (4%) per cent by weight and five (5%) per cent by volume, and of vinous beverages of an alcoholic content of twenty-four (24%) per cent or less by volume; to provide for the sale and purchase at State Liquor Stores of liquors as herein defined; to provide for the sale and purchase at State Liquor Stores of vinous beverages of an alcoholic content of twenty-four (24%) per cent or less by volume; to authorize said Board to promulgate rules and regulations governing the manufacture, sale and possession of all such beverages within this State; to make it a misdemeanor for any person to purchase any such beverages from any person or persons, firm or corporation, except those authorized by this Act and by the Board under the provisions of this Act; to appropriate money for the administration of the Act and to provide for the disposition of the net profits collected under this Act; to provide for the confiscation and disposition of articles declared to be contraband; to impose penalties for violation of this Act; to repeal all laws and parts of laws in conflict herewith; and to provide that this Act shall constitute and be designated and cited as "The Alcoholic Beverage Control Act."

Also:

H. 27. To provide an annual appropriation of \$500.00 out of the State Treasury, or so much thereof as may be necessary, for each of the three fiscal years ending, respectively, September 30th, 1937, 1938 and 1939, to help defray the expenses of the annual encampment and reunion of the Alabama Department, United Spanish War Veterans.

Also:

H. 36. To Amend Section 370-A of an act entitled "An Act To Provide for the General Revenue of the State of Alabama," approved July 10th, 1935.

Also:

H. 37. To Amend Section 161-A of an act entitled "An Act To Provide for The General Revenue of the State of Alabama," approved July 10th, 1935.

Also:

H. 21. "To amend Schedule 158.1 of an act entitled an act to provide for general revenue of the State of Alabama, approved July 10, 1935, as amended by an act entitled an act to amend Schedule 158.1 of an act entitled an act to provide for general revenue of the State of Alabama, approved September 21, 1935, to read as follows:

Also:

H. 38. To Amend Section 23 of an act entitled "An Act to Provide for The General Revenue of the State of Alabama," approved July 10th, 1935.

Also:

H. 80. To provide for the exemption from ad valorem taxation of the property of all incompetent veterans to the value of two thousand dollars and to define the meaning of the term incompetent veteran.

Also:

H. 122. To authorize and empower the County Board of Education of Crenshaw County, Alabama, to purchase necessary office equipment, supplies, stationery, postage and any necessities for the office of said County School Board of Education of Crenshaw County, and to pay for same out of the School Funds of Crenshaw County, Alabama.

Also:

H. 126. To amend Section 8280 of the Code of Alabama.

Also:

H. 127. To fix the Compensation of the Deputy Solicitor in all Counties of this State, which now have or which may hereafter have a population of 60,000 or more according to the last or any subsequent Federal Census and while such Counties are embraced in Judicial Circuits having more than one County.

Also:

H. 192. To authorize the Elmore County Board of Education, or other governing body having control of Elmore County's public school funds, at its discretion, to retire with pay, any teacher who is seventy-four years of age, or over, and who has taught school in said county for at least twenty-two consecutive years, or more, next preceding January 1st, 1937, and providing that said retirement pay shall not exceed Six Hundred Dollars per annum, and to further provide for manner of payment.

Also:

H. 217. To regulate and govern the jurisdiction of justices of the peace and notaries public with powers of justices of the peace in Madison County, Alabama; to provide that an exercise or attempted exercise of contrary jurisdiction shall constitute a misdemeanor; and to repeal an Act entitled an Act "To abrogate and abolish the jurisdiction of Justices of the Peace and Notaries Public with powers of Justices of Peace in Madison County, Alabama, of all criminal causes except as committing magistrates in felony cases," approved March 2, 1931, (Local Acts 1931, p. 20).

Also:

H. 218. To define and prescribe the powers, authorities and duties of the Solicitor of the Morgan County Court of Morgan County, Alabama.

Also:

H. 223. To supplement the salaries of the Circuit Judges in Alabama in all Judicial Circuits that now is or may hereafter be composed of only three Counties, one of which such Counties is now or may hereafter be divided into two jurisdictions with the holding of the Circuit Court in each jurisdiction of such County so divided, and said Circuit having only two Judges, and to provide for the payment of such Judges supplemental salaries.

Also:

H. 230. To amend Section Two (2) of an Act approved May 28, 1931 entitled 'An Act to preserve the commissioners' districts of Washington County, Alabama as now fixed by law, or as may be hereafter prescribed; to make the commissioners now holding office in each district, and the Judge of Probate of said county, a board of road supervisors, in addition to their duties and to fix their salaries; to repeal an act approved August 20, 1927 of the Local Acts of 1927 as found on page 234 thereof', and to provide for the expenses of said road supervisors."

Also:

H. 259. To further provide for the redemption of real estate heretofore sold for taxes and, prior to Jan. 1, 1935, bid in by the State at tax sale.

Also:

H. 264. "To prohibit the use of steel traps and similar devices in Shelby County, Alabama, and prescribe punishment for the Violation of this act."

Also:

H. 275. To amend Section 18 of an Act entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such funds; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefits claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled 'An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system and for other purposes;' to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to re-

tain the right to amend or repeal this Act," approved September 14, 1935, as amended by an Act entitled "An Act to amend Section 18 of an Act approved September 14, 1935, and entitled 'An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system and for other purposes;" to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act, to regulate alienation of benefits; to provide penalties for failure to comply with or violation of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act' " approved April 21, 1936.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Browder:

S. 122. To provide for tenure of office of teachers in the Public Schools of Alabama.

Committee on Education.

By Mr. Browder:

S. 123. To prescribe the qualifications of County Superintendents of Education and City Superintendents of Schools and to provide for the certification of these officials.

Committee on Education.

By Mr. Walton:

S. 124. To amend Section 20 of an Act entitled, "An Act to provide for the promotion, encouragement, development and regulation of air navigation, air navigation aids and facilities, airmen and aircraft; to provide for the survey, location, mapping and development of State Airways and Airway Facilities; to provide for the registration and issuance of permits to operators, aircraft and airmen, suspension and revocation of such permits; to provide for the encouragement of the location in the State of Aeronautical industries; to create a commission for the administration of this Act and for the enforcement of the laws of the State of Alabama and of the rules and regulations established by said Commission; to define and describe the powers, duties, responsibilities and privileges of said Commission; and to make an appropriation for the purpose of this Act," approved September 13, 1935.

Committee on Finance & Taxation.

By Mr. Simpson:

S. 125. To amend Sections 1, 5, 7, 8, 9, 14, 16, 19, 20, 24 and 35 of an Act of the Legislature of Alabama, approved March 29, 1933, entitled "An Act to authorize any county, city or incorporated town of the State of Alabama, subject to the limitations herein stated, to purchase or construct a waterworks system, water supply system, sewer system, sanitary disposal equipment and appliance, or gas system, and in furtherance thereof to purchase or construct any necessary part of any such system either within or without the limits of such county, city or incorporated town, as the case may be; and to authorize any county, city or incorporated town of the State of Alabama now or hereafter owning and operating any such system to improve, enlarge, extend or repair the same; and for any such purpose or purposes to authorize any such county, city or incorporated town to issue revenue bonds payable solely from the revenues derived from the operation of any such system or systems; to regulate the issuance, sale, retirement, and refunding of such bonds and of other matters in connection therewith; to regulate the use of the revenues of such system or

systems when such bonds are issued or outstanding; to provide for the operation of any such system or systems in case of deficiencies in such revenues; to confer upon the State Board of Health certain powers with reference to any such sewer system; and for other purposes," as heretofore amended.

Committee on Revision of Laws.

By Mr. Stoddard:

S. 126. To empower Boards of Education in Counties, where the maximum salary of the Superintendent of Education is prescribed by law, to fix, approve, and authorize the payment of the traveling expenses incurred by the Superintendent in the performance of his official duties within the county and the expenses incurred by him when his official duties require him to go outside of the County; to require Superintendents of Education to prepare and file on forms to be prescribed by the State Board of Education a certified itemized statement of the expenses incurred: and to provide that the payment of the expenses hereby authorized shall not constitute a part of the official salary of such Superintendents.

Committee on Education.

By Mr. Chesnut:

S. 127. To amend Section 7020 of the Code of Alabama.

Committee on Judiciary.

By Mr. Carlton:

S. 128. To authorize the Courts of County Commissioners, Boards of Revenue or other like governing bodies of counties which failed to order the Board of Registrars to meet at the County site of the various counties for the purpose of registering those entitled to register in January, 1937, be authorized to call such registrars to meet at the county site of such counties for a period not exceeding ten days in February, 1937, for the purpose of registering those who are entitled to register.

Committee on Privileges & Elections.

By Mr. Walton:

S. 129. To amend Sections 6, 7, and 8 of an Act entitled "An Act to further provide for freeing Alabama highways of all toll bridges, through a corporation to be composed of the President of the State Board of Administration, the State Comptroller and the Chairman of the State Highway Commission whose incorporation is authorized and to prescribe the power and authority of such corporation and provide it with funds necessary to enable it to accomplish the purpose of its creation," approved September 7th, 1935.

Committee on Public Roads & Highways.

REPORTS OF COMMITTEES

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Tolbert (with amendment):

H. 251. To provide for the payment to the Clerk and Sheriff of DeKalb County of costs and fees accruing after the passage of this Act which would otherwise be payable out of the Fine and Forfeiture Fund of DeKalb County to be paid quarterly out of the General Fund of said County instead of out of the Fine and Forfeiture Fund of said County; to provide for the method, manner and time of payment of the same and make the same a preferred claim against the General Fund of said County, and to provide that nothing in this Act contained shall otherwise affect the law with reference to the Fine and Forfeiture Fund of DeKalb County.

By Mr. Kuykendall:

S. 116. To create a Hospital Board for Walker County, prescribe its duties, to authorize the equipment and operation of the County owned Hospital and Nurses Home, to require the chairman and superintendent to give bond, conditioned as provided by law for official bonds, to fix the salary of the superintendent and other employees, to appropriate out of the general funds of the said County, \$1,000.00 per month, and provide the manner of its payment, for the care and treatment of indigent patients of said county, to provide for the appointment of members of said Hospital Board, and their qualifications, and to pass on the necessity of indigent patients needing hospitalization, and to fix charges for pay patients, and to provide that the present members of the hospital Board as now constituted, shall serve the remainder of their terms of office under their present appointment by the Board of Revenue, and to make the said appropriations a preferred claim against the County.

Mr. Walton, Chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Weaver:

S. 104. To authorize and require Southern Railway Company, as successor to Florence Bridge Company, to discontinue maintenance and operation of the vehicular or highway portion of the

bridge of the said Southern Railway Company across the Tennessee River between the cities of Flornce and Sheffield, upon the completion and opening for traffic by the Highway Bridge Commission, Inc., of Alabama of a vehicular or highway bridge in the vicinity of said existing bridge to serve traffic between said cities, and to authorize Southern Railway Company to continue the maintenance and operation of said bridge for railroad purposes.

RESOLUTIONS

The Rules Committee reported the following joint resolution:

S. J. R. 31. BE IT RESOLVED BY THE SENATE, the House concurring, that when the two houses adjourn today they adjourn to meet again at 1 o'clock tomorrow afternoon, February 3, 1937.

Which was adopted.

Mr. Riddle offered the following resolution:

S. J. R. 32. WHEREAS, there has been a statement, which has been given publicity, of an improper effort to influence the vote of the House and the Senate upon what is commonly known as the Liquor Repeal Bill; and

WHEREAS, it is the earnest desire of the House and Senate, as well as the officer of the House, to have a thorough and complete investigation of the circumstances leading up to this improper effort to influence the House and Senate in their action on this important measure:

NOW, THEREFORE, BE IT RESOLVED by the Senate, House of Representatives, concurring, that a Committee composed of three members of the House, to be appointed by the Speaker of the House, and two members of the Senate, to be appointed by the President of the Senate, constitute a Joint Committee to make a full, complete and proper investigation of this unfortunate affair.

BE IT FURTHER RESOLVED that said Committee when so appointed shall have and possess plenary powers to summon witnesses, procure any documents pertaining in any way or bearing upon this investigation, administer the proper oaths to witnesses, employ stenographers to take and transcribe testimony and to do and perform all the necessary acts to accomplish the purpose for which said Committee is raised. The result of the findings of said Committee shall be reported to the two Houses, if in session, it shall make its findings public, and report the same to the proper Court or Courts, as in its judgment is wise.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in the Senate amendment to the following House bill:

By Mr. Hill:

H. 103. To provide assistance to needy blind persons; to define who is eligible for such assistance; to authorize the State Department of Public Welfare to administer such assistance; to authorize the County Departments of Public Welfare to administer such assistance under the supervision of the State Department of Public Welfare in the several counties; to provide that county boards of revenue or courts of county commissioners or other governing bodies of the counties shall appropriate funds for assistance to needy blind persons; to provide for the allocation of funds to the counties by the State Department for the purposes of this Act; to define offenses against this Act and to fix punishments for such offenses; to provide for cooperation with the government of the United States and its agencies in caring for the needy blind; and to repeal all laws in conflict herewith.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the following House bill:

By Mr. Petrey:

H. 123. To authorize and empower the County School Board of Crenshaw County, Alabama, to allow and pay to the County Superintendent of Education a reasonable expense account used in connection with his office.

And requests a Committee of Conference. The Speaker of the House has appointed as conferees on the part of the House Messrs. Petrey, Denson and Braswell.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Stoddard, the Senate acceded to the request of the House for a Committee of Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 123, the title of which is set out in the foregoing Message from the House.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Browder	Kelly	Riddle	Swift
Carlton	Locke	Rogers	Taylor
Chesnut	Mixon	Russell	Tucker
Cook	Mooneyham	St. John	Walden
Dorsey	McConnell	Simpson	Walton
Frazer	McDowell	Stephens	Wellborn
Goldsmith	Richardson	Stoddard	Woodall

—28

Nays:—None.

And the President and Presiding Officer of the Senate appointed as conferees on part of the Senate Messrs. Stoddard, Carlton and Riddle.

RE-CONSIDERATION OF VOTE

In pursuance to the motion made by Mr. Mooneyham on the Eighteenth Legislative day that the vote by which the bill, H. 63, was lost on the Seventeenth Legislative day, and which motion was carried over to the Nineteenth Legislative day, on motion of Mr. Mooneyham, the Senate proceeded to a re-consideration of the vote on the bill:

H. 63. To Amend an Act entitled "An Act to prescribe legal investments of trust funds by fiduciaries" Approved Feby. 8, 1935.

Which motion prevailed and the Senate did re-consider said vote.

Yeas, 28; Nays, 5.

Yeas:

Messrs.:

Browder	Locke	Rogers	Swift
Carlton	Mixon	Russell	Thomas
Chesnut	Mooneyham	St. John	Tucker
Cook	McConnell	Simpson	Walton
Frazer	McDowell	Starnes	Weaver
Goldsmith	Richardson	Stephens	Wellborn
Kuykendall	Riddle	Stoddard	Woodall

—28

Nays:—Messrs.: Dorsey, Kelly, Parrish, Taylor and Walden — 5

Mr. Mooneyham then moved that the Senate reconsider the vote by which the bill, H. 63, was ordered to a third reading and engrossment, which motion prevailed and the Senate did reconsider said vote.

Mr. Mooneyham then offered the following amendment to the bill, H. 63, to-wit:

Amend sub-section (d) of Section 1 H. B. 63 to read as follows:

(d) General obligation bonds pledging the full faith and credit, of any county of the State of Alabama which county for a period of 5 years next preceding the purchase of said bonds shall not have made default in the payment of principal or interest on any of its funded obligations.

Amend sub-section (e) of Section 1 of H. B. 63 to read as follows:

(e) Interest bearing general obligations, pledging the full faith and credit, including interest bearing warrants, of any board of education of any county or municipality of the State of Alabama secured by pledge of the three mill school tax.

Which was adopted.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Browder	Mixon	Rogers	Thomas
Carlton	Mooneyham	Russell	Tucker
Chesnut	McConnell	St. John	Walden
Cook	McDowell	Simpson	Walton
Dorsey	Parrish	Stoddard	Weaver
Frazer	Richardson	Swift	Wellborn
Locke	Riddle	Taylor	Woodall

—28

Nays:—None.

And said bill, as thus amended, was again read a third time at length and passed.

Yeas, 26; Nays, 3.

Yeas:

Messrs.:

Browder	Locke	Rogers	Thomas
Carlton	Mixon	Russell	Tucker
Chesnut	Mooneyham	St. John	Walton
Cook	McConnell	Simpson	Weaver
Frazer	McDowell	Stoddard	Wellborn
Kelly	Richardson	Swift	Woodall
Kuykendall	Riddle		

—26

Nays:—Messrs.: Dorsey, Taylor and Walden

— 3

Mr. Rogers moved that the Senate re-consider the vote by which it just passed the bill, H. 63, which motion was lost and the Senate refused to re-consider the vote.

RECESS

At 1:15 P. M., on motion of Mr. Kelly, the Senate took a recess until three o'clock this afternoon.

AFTERNOON SESSION—NINETEENTH DAY

Tuesday, February 2, 1937.

The Senate re-assembled at 2:45 P. M., Lieutenant-Governor Knight presiding.

ROLL CALL

Present:

Messrs.:			
Browder	Locke	Rogers	Taylor
Carlton	Mixon	Russell	Thomas
Chesnut	Mooneyham	St. John	Tucker
Cook	McConnell	Simpson	Walden
Dorsey	McDowell	Starnes	Walton
Frazer	Parrish	Stephens	Weaver
Goldsmith	Richardson	Stoddard	Wellborn
Kelly	Riddle	Swift	Woodall
Kuykendall			

—33

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Stephens:

S. 130. To propose an amendment to Section 48 of Article IV of the Constitution of Alabama and, to provide for the submission of the proposed amendment to the qualified electors of the State on the first Tuesday following the expiration of three (3) months after the final adjournment of this session of the Legislature.

Committee on Constitution and,
Constitutional Revisions and
Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Stephens:

S. 131. To propose an amendment to Section 49 of Article IV of the Constitution of Alabama and, to provide for the submission of the proposed amendment to the qualified electors of the State on the first Tuesday following the expiration of three (3) months after the final adjournment of this session of the Legislature.

Committee on Constitution and,
Constitutional Revisions and
Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Starnes:

S. 132. To amend Section 3512 of the Code of Alabama of 1923.

Committee on Revision of Laws.

By Mr. Starnes:

S. 133. To amend Section 3500 of the Code of Alabama of 1923.

Committee on Revision of Laws.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, with his objections and proposed amendment to the bill:

By Mr. Boswell:

H. 44. To promote temperance and suppress the evils of intemperance; to regulate and control the manufacture, purchase, bottling, sale, distribution, transportation, handling, advertising, possession, dispensing, drinking and use of alcohol, brandy, rum, whiskey, gin, wine, beer, lager beer, ale, porter, stout, and all liquid beverages and articles containing alcohol obtained by fermentation or otherwise; to create a Department of "Alcoholic Beverage Control," and an "Alabama Beverage Control Board," and to define and provide for the functions, duties, and powers thereof; to provide for the appointment, suspension, removal, compensation, cost and expense of such Board and its members, officers, agents and employees; to provide for the manufacture,

sale and distribution of liquors as herein defined; to provide for the manufacture, sale and distribution of malt beverages of an alcoholic content not in excess of four (4%) per cent by weight and five (5%) per cent by volume, and of vinous beverages of an alcoholic content of twenty-four (24%) per cent or less by volume; to provide for the levying and collecting of an excise tax on the sale and distribution within this State of malt beverages of an alcoholic content not in excess of four (4%) per cent by weight and five (5%) per cent by volume, and of vinous beverages of an alcoholic content of twenty-four (24%) per cent or less by volume; to provide for the sale and purchase at State Liquor Stores of liquors as herein defined; to provide for the sale and purchase at State Liquor Stores of vinous beverages of an alcoholic content of twenty-four (24%) per cent or less by volume; to authorize said Board to promulgate rules and regulations governing the manufacture, sale and possession of all such beverages within this State; to make it a misdemeanor for any person to purchase any such beverages from any person or persons, firm or corporation, except those authorized by this Act and by the Board under the provisions of this Act; to appropriate money for the administration of the Act and to provide for the disposition of the net profits collected under this Act; to provide for the confiscation and disposition of articles declared to be contraband; to impose penalties for violation of this Act; to repeal all laws and parts of laws in conflict herewith; and to provide that this Act shall constitute and be designated and cited as "The Alcoholic Beverage Control Act."

Said Governor's Message containing the proposed amendment being in words and figures as follows, to-wit:

TO THE HOUSE OF REPRESENTATIVES,

Montgomery, Alabama.
Gentlemen:

I am herewith returning to you, the body in which it originated, House Bill No. 44, known as "The Alabama Beverage Control Act," without my approval.

I prefer a state-wide referendum as was carried in this bill as it passed the Senate rather than a county referendum as carried in the conference committee report and afterwards concurred in by both Houses.

I am suggesting that the bill, as it now stands, be amended by incorporating the state-wide referendum as put in by the Senate in lieu of the county referendum as put in by the conference committee. In other words, amend the bill, as it now stands, by striking out Section 51 (the county referendum provision) and inserting in lieu thereof the state-wide referendum in the following words and figures:

Section 51. Upon the passage of this bill, the Governor must within one week from the date of such passage and approval call an election to determine the sentiment of the voters of the State as to whether or not this act shall be put into operation. Said election must be held February 23,

1937, and shall be held and officers appointed in the manner provided by law for elections on constitutional amendments. All of the expenses of said election shall be paid as is now provided by law for holding elections on constitutional amendments and the returns from said election shall be tabulated and certified as is provided by law in elections for constitutional amendments. At said election there shall be printed on the ballot used the following form: "Do you favor the legal sale and distribution of alcoholic beverages in this State? Yes..... No.....". Only qualified electors may vote in said election. When the returns from said election are tabulated, the Governor shall issue a proclamation declaring the result of same. If a majority of the electors voting in said election vote no, this act shall not go into effect and all laws prohibiting the possession, sale, manufacture, and distribution of alcoholic liquors or beverages in the State of Alabama shall remain in full force and effect. If a majority of those voting in said election vote yes, this act shall be immediately put into operation, but no liquor or other alcoholic beverages shall be sold and no license shall be issued hereunder until March 10, 1937.

If a majority of the voters voting in said election vote "Yes", the Board may on March 10, 1937, or as soon thereafter as possible, open, operate, and maintain a State Liquor Store or Stores in any wet county of this State and shall issue permits for the sale of alcoholic beverages therein as provided in this act until a referendum shall be held in such counties as herein-after provided in which said counties shall vote dry. No state liquor store shall be opened or operated and no permit shall be issued for the sale of alcoholic beverages in any dry county in the State of Alabama until an election has been held under the terms of this act in which the voters in said election shall determine that alcoholic beverages can be sold in such county, and all laws existing before the passage of this act against the sale, possession, distribution, and manufacture of alcoholic beverages shall remain in full force and effect within such dry counties.

For the purpose of this section of this act the term "wet county" shall mean any county which by a majority of its voters voted for modification of the state prohibition laws in the state-wide liquor referendum held in 1935, and "dry counties" shall be construed to mean all counties which by a majority of its vote voted against the modification of the prohibition laws in the state-wide referendum held in 1935. Any county in the State may change its classification from "wet" to "dry" or from "dry" to "wet" under this act in the following manner: Upon the petition of 25% of the number of voters voting in the last preceding general election filed with the probate judge of said county, said probate judge must call an election for said county to determine the sentiment of the people as to whether or not alcoholic beverages can be legally sold or distributed in said county. Said election must be held and the officers appointed to hold same in the manner provided by law for the holding of other county elections and the returns thereof tabulated and result certified as provided by law for such elections. Said election shall be held within not less than thirty nor more than forty five days from the date of the filing of said petition and notice of same shall be given by publication at least three weeks before the date of said election by such probate judge.

On the ballot to be used at such election the question shall be in the following form: "Do you favor the legal sale and distribution of alcoholic beverages within this county? Yes..... No.....". Only qualified voters shall vote in said election. If a majority of those voting in said election vote "yes", said county shall be wet under the terms of this section of this act until said county shall in a subsequent election held under this act change to a dry county. If a majority of the electors voting in said election vote "no", said county shall be a dry county under the terms of this act until said county at a subsequent election held under this act shall vote wet. Said

elections in said counties may be held at any time after the passage of this act and its approval in this state-wide referendum to be held February 23, 1937. However, when an election is held for a county hereunder, no further election can be held in said county before the expiration of two years from the date of the holding of said election. The classification of counties as wet or dry counties after an election is held by a county hereunder shall be from the date the returns from said elections are tabulated and results officially declared.

The adoption of the afore-set-out referendum amendment will meet my approval.

Respectfully,
Bibb Graves,
Governor.

February 2, 1937.

And the House has non-concurred in the amendment proposed by His Excellency, the Governor, to said bill, H. 44, by a vote of a majority of the whole number elected to the House, said vote being: Yeas, 30; Nays, 66.

And said bill, H. 44, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House; said vote being: Yeas, 65; Nays, 32.

And said bill, together with the Governor's Message, containing the proposed amendment, is herewith sent to the Senate for its consideration.

E. F. Taylor,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

Mr. McDowell moved that consideration of the Governor's Message on House bill 44, the title of which and said Governor's Message is set out in the foregoing Message from the House, be deferred until Thursday, which motion was lost and the Senate refused to defer consideration of the Governor's Message.

Mr. Kelly then moved that the Senate non-concur in the amendment proposed by His Excellency, the Governor, to the bill, H. 44, the title of which and said proposed amendment is set out in the foregoing Message from the House.

Mr. Walton moved to table the motion of Mr. Kelly that the Senate non-concur in the amendment proposed by His Excellency, to the bill, H. 44, which motion was lost and the Senate refused to table the motion to non-concur.

Yeas, 13; Nays, 20.

Yeas:

Messrs.:

Browder
Chesnut
Cook
Mixon

McConnell
Parrish
Riddle

St. John
Starnes
Stephens

Taylor
Walton
Woodall

*Nays:**Messrs.:*

Carlton	Kuykendall	Rogers	Thomas
Dorsey	Locke	Russell	Tucker
Frazer	Mooneyham	Simpson	Walden
Goldsmith	McDowell	Stoddard	Weaver
Kelly	Richardson	Swift	Wellborn

—20

The question then recurred on the motion of Mr. Kelly to non-concur in said Executive amendment, which motion prevailed and the Senate did non-concur in the amendment proposed by His Excellency, the Governor, to the bill, H. 44.

Yeas, 20; Nays, 13.

*Yeas:**Messrs.:*

Carlton	Kuykendall	Rogers	Thomas
Dorsey	Locke	Russell	Tucker
Frazer	Mooneyham	Simpson	Walden
Goldsmith	McDowell	Stoddard	Weaver
Kelly	Richardson	Swift	Wellborn

—20

*Nays:**Messrs.:*

Browder	McConnell	St. John	Taylor
Chesnut	Parrish	Starnes	Walton
Cook	Riddle	Stephens	Woodall
Mixon			

—13

Which was a majority of the whole number elected to the Senate.

And the Senate then reconsidered and again passed said bill, H. 44.

Yeas, 20; Nays, 13.

*Yeas:**Messrs.:*

Carlton	Kuykendall	Rogers	Thomas
Dorsey	Locke	Russell	Tucker
Frazer	Mooneyham	Simpson	Walden
Goldsmith	McDowell	Stoddard	Weaver
Kelly	Richardson	Swift	Wellborn

—20

*Nays:**Messrs.:*

Browder	McConnell	St. John	Taylor
Chesnut	Parrish	Starnes	Walton
Cook	Riddle	Stephens	Woodall
Mixon			

—13

Which was a majority of the whole number elected to the Senate.

Mr. Kelly then moved that the Senate reconsider the vote by which it just reconsidered and passed said bill, H. 44, which motion was lost and the Senate refused to reconsider said vote.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 43. To amend Section 2 of an Act of the Legislature approved July 10, 1935, entitled "An Act to provide for the general revenue of the State of Alabama," Acts 1935, page 256

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Chichester:

H. 55. To amend Section 8351 of the Code of Alabama of 1923.

Also:

By Mr. Chichester:

H. 54. To prohibit the making or circulation of false statements or rumors derogatory of the solvency or financial condition of insurance companies or associations, and to provide penalties for the violations of the provisions of this act.

Also:

By Mr. Cox:

H. 155. To Amend Sub-Section 11 of Section 303 of the Code of Alabama of 1923.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing Message from the House were severally read one time at length and referred to appropriate Standing Committees as follows:

H. 55 and H. 54—To the Committee on Insurance.

H. 155—To the Committee on Revision of Laws.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown, and as amended has adopted the following Senate joint resolution:

By Rules Committee:

S. J. R. 31. Relative to two Houses adjourning today to meet again on Wednesday, February 3, 1937, at 1 o'clock P. M.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Walton the Senate concurred in the following House amendment to the Resolution S. J. R. 31, the title of which is set out in the foregoing Message from the House, to-wit:

Amend S. J. R. 31 by inserting "10 o'clock Thursday February 4th," instead of "1 o'clock tomorrow afternoon February 3."

RESOLUTIONS

Mr. Woodall offered the following joint resolution:

S. J. R. 33. RESOLVED BY THE SENATE, the House concurring, that hereafter House Bill No. 44 shall be officially known and designated as the "Boswell-Kelly Bill."

Which was adopted.

Mr. Frazer offered the following joint resolution:

S. J. R. 34. BE IT RESOLVED BY THE SENATE, the House concurring, that House Bill No. 63 by Mr. Staples, be known and described as the Staples-Wellborn Bill.

Which was adopted.

BILL ON THIRD READING

The bill:

H. 59. To amend Section 9796 of the Code of Alabama of 1923.

Was read a third time at length and passed.

Yeas, 26; Nays, 4.

Yeas:

Messrs.:

Browder

Carlton

Chesnut

Cook

Dorsey

Frazer

Kelly

Kuykendall

Locke

Mixon

Mooneyham

McConnell

Richardson

Rogers

Russell

St. John

Starnes

Stephens

Stoddard

Swift

Taylor

Thomas

Tucker

Walden

Weaver

Wellborn

—26

Nays:—Messrs. Parrish, Riddle, Walden and Woodall

—4

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in the Senate amendment to the following House bill:

By Mr. Staples:

H. 63. To amend an Act entitled "An Act to prescribe legal investments of trust funds by fiduciaries" approved Feb'y. 8, 1935.

E. F. Taylor,
Clerk.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the nineteenth Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the nineteenth Legislative day approved by the Senate.

ADJOURNMENT

At 5 P. M., on motion of Mr. Rogers and in accordance with Joint Resolution heretofore adopted, the Senate adjourned until February 4, 1937 at 10 A. M.

TWENTIETH DAY

Thursday, February 4th, 1937.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The session was opened with prayer by Rev. H. G. Earnest, Doorkeeper of the Senate.

ROLL CALL

Present:

Messrs.:			
Browder	Kuykendall	Rogers	Thomas
Carlton	Locke	Russell	Tucker
Chesnut	Mixon	St. John	Walden
Cook	Mooneyham	Simpson	Walton
Dorsey	McConnell	Starnes	Weaver
Frazer	McDowell	Stephens	Wellborn
Goldsmith	Parrish	Swift	Woodall
Kelly	Riddle	Taylor	

—31

JOURNAL

On motion of Mr. Riddle the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bill with the engrossed and original bill, respectively, and finds same correctly enrolled, to-wit:

S. 43. To amend Section 2 of an Act of the Legislature approved July 10, 1935, entitled "An Act to provide for the general revenue of the State of Alabama," Acts 1935, page 256.

Earl Thomas,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length, had been dispensed with by a two-

thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 44. To promote temperance and suppress the evils of intemperance; to regulate and control the manufacture, purchase, bottling, sale, distribution, transportation, handling, advertising, possession, dispensing, drinking and use of alcohol, brandy, rum, whiskey, gin, wine, beer, lager beer, ale, porter, stout, and all liquid beverages and articles containing alcohol obtained by fermentation or otherwise; to create a Department of "Alcoholic Beverage Control," and an "Alabama Beverage Control Board," and to define and provide for the functions, duties, and powers thereof; to provide for the appointment, suspension, removal, compensation, cost and expense of such Board and its members, officers, agents and employees; to provide for the manufacture, sale and distribution of liquors as herein defined; to provide for the manufacture, sale and distribution of malt beverages of an alcoholic content not in excess of four (4%) per cent by weight and five (5%) per cent by volume, and of vinous beverages of an alcoholic content of twenty-four (24%) per cent or less by volume; to provide for the levying and collecting of an excise tax on the sale and distribution within this State of malt beverages of an alcoholic content not in excess of four (4%) per cent by weight and five (5%) per cent by volume, and of vinous beverages of an alcoholic content of twenty-four (24%) per cent or less by volume; to provide for the sale and purchase at State Liquor Stores of liquors as herein defined; to provide for the sale and purchase at State Liquor Stores of vinous beverages of an alcoholic content of twenty-four (24%) per cent or less by volume; to provide for the sale and purchase at State Liquor Stores of liquors as herein defined; to provide for the sale and purchase at State Liquor Stores of vinous beverages of an alcoholic content of twenty-four (24%) percent or less by volume; to authorize said Board to promulgate rules and regulations governing the manufacture, sale and possession of all such beverages within this State; to make it a misdemeanor for any person to purchase any such beverages from any person or persons, firm or corporation, except those authorized by this Act and by the Board under the provisions of this Act; to appropriate money for the adminis-

tration of the Act and to provide for the disposition of the net profits collected under this Act; to provide for the confiscation and disposition of articles declared to be contraband; to impose penalties for violation of this Act; to repeal all laws and parts of laws in conflict herewith; and to provide that this Act shall constitute and be designated and cited as "The Alcoholic Beverage Control Act."

Also:

H. 59. To amend Section 9796 of the Code of Alabama of 1923.

Also:

H. 63. To Amend an Act entitled "An Act to prescribe legal investments of trust funds by fiduciaries" Approved Feby. 8, 1935.

Also:

H. 103. To provide assistance to needy blind persons; to define who is eligible for such assistance; to authorize the State Department of Public Welfare to administer such assistance; to authorize the County Departments of Public Welfare to administer such assistance under the supervision of the State Department of Public Welfare in the several counties; to provide that county boards of revenue or courts of county commissioners or other governing bodies of the counties shall appropriate funds for assistance to needy blind persons; to provide for the allocation of funds to the counties by the State Department for the purposes of this Act; to define offenses against this Act and to fix punishments for such offenses; to provide for cooperation with the government of the United States and its agencies in caring for the needy blind; and to repeal all laws in conflict herewith.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. St. John:

S. 134. To authorize and empower Boards of Education in all Counties in the State of Alabama with a population of not less than 26,930, nor more than 27,100, according to the last or any subsequent Federal census, where the maximum salary of the Superintendent of Education is prescribed by law, to fix, approve, and authorize the payment of the traveling expenses incurred by such Superintendent in the performance of his official duties within the county and the expenses incurred by him when his official duties require him to go outside of the county; to require such Superintendents of Education to prepare and file on forms to be prescribed by the State Board of Education a certified itemized statement of the expenses incurred; and to provide that the payment of the expenses hereby authorized shall not constitute a part of the official salary of such Superintendents.

Committee on Local Legislation.

By Mr. Simpson:

S. 135. To amend Section 3770 of the 1923 Code of Alabama.

Committee on Local Legislation.

By Mr. Rogers:

S. 136. To provide for an increase in the salaries of firemen and policemen in incorporated cities of the State of Alabama now or hereafter subject to or governed by a commission created or elected under and by authority of the General Act of Alabama of 1911 page 330 by setting aside or appropriating for such purpose one-third of the monies, or so much thereof as may be required, derived by each such city under the terms of the Alcoholic Beverage Control Act of this State, and to fix the method by which the salaries of policemen and firemen may be increased.

Committee on Local Legislation.

By Mr. Walton:

S. 137. To amend Section 5 of an Act entitled, "An Act to amend an Act entitled, 'An Act to provide for the General Revenue of the State of Alabama, Approved July 10, 1935,' by adding Schedule 155.4A and Schedule 155.4B to Section 348 of said Act, "Approved December 17, 1936."

Committee on Finance & Taxation.

By Mr. Dorsey:

S. 138. To amend Section 2377, Code of Alabama, 1923, as amended by Act No. 65, Acts of the Extra Session, 1933, page 55, and by Act of the Legislature of 1935, General Acts 1935, page 878.

Committee on Revision of Laws.

REPORTS OF COMMITTEES

Mr. Russell, Chairman of the Standing Committee on Finance & Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Riddle:

S. 64. To make an appropriation to provide for carrying out the provisions of an Act approved August 1, 1931, entitled "An Act to provide for educational opportunities for the children of soldiers, sailors and marines who were killed in action or died during the World War; to provide an appropriation, to define its uses and administration."

By Mr. Chesnut:

S. 83. To prevent the use of revenue, less the cost of collection, obtained from taxes on gasoline, naphtha, and other liquid motor fuels or any device or substitute therefor, commonly used in internal combustion engines as is provided for in Schedule 156.1 of House Bill 324, Approved July 10, 1935, for any purposes other than for the construction, improvement, and maintenance of highways and administrative expenses in connection therewith, including the retirement of bonds for the payment of which such revenues have been pledged, and for no other purposes.

By Mr. Bonner (with amendment):

S. 101. To define and prevent the abuse of the lawful right to strike in furtherance of a labor dispute or dispute as to wages or working conditions, to provide punishment and fix liability and prima facie responsibility therefor, and to provide remedies in respect thereof.

By Mr. Riddle:

S. 121. To amend Sections 2, 3 and 4 of an Act, approved September 13, 1935 (General Acts 1935, page 1057), entitled "An Act to exempt disabled Veterans of the World War and of the Spanish-American War and of the Civil War from the payment of business or occupational licenses in the State of Alabama and to regulate and restrict such exemptions, and to provide the manner in which such exemptions shall be allowed."

By Mr. Chesnut:

S. 109. To provide that in all counties in the State of Alabama with a Population of not less than 20,100, nor more than 20,500, according to the last or any subsequent Federal Census, the per diem and mileage and any and all other compensation which

is now provided or may hereafter be provided by law for the members of the Commissioners Court, Board of Revenue or like governing body, shall be paid out of the proceeds of the gasoline excise tax fund accruing to the respective counties from the State of Alabama while the members of said bodies are engaged in the performance of their duties in connection with the supervision, construction, maintenance and/or repair of the public roads and/or bridges in their respective counties; to provide that nothing herein contained shall be construed as changing the per diem and mileage, or any and all other compensation which is now provided, or which may hereafter be provided by law for the members of said bodies in said counties; to repeal all laws and parts of laws, general, special and local in conflict herewith; and to provide for the effective date of this Act.

By Mr. Walton:

S. 124. To amend Section 20 of an Act entitled, "An Act to provide for the promotion, encouragement, development and regulation of air navigation, air navigation aids and facilities, airmen and aircraft; to provide for the survey, location, mapping and development of State Airways and Airway Facilities; to provide for the registration and issuance of permits to operators, aircraft and airmen, suspension and revocation of such permits; to provide for the encouragement of the location in the State of Aeronautical industries; to create a commission for the administration of this Act and for the enforcement of the laws of the State of Alabama and of the rules and regulations established by said Commission; to define and describe the powers, duties, responsibilities and privileges of said Commission; and to make an appropriation for the purpose of this Act", approved September 13, 1935.

By Mr. Hill (with substitute):

H. 293. To authorize the payment of the per diem and mileage of the members of the Court of County Commissioners of Marion County, Alabama, from the gasoline funds received by it from the State.

Mr. Dorsey, Chairman of the Standing Committee on Fish & Game reported that said committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Cox:

H. 162. To provide for devices and to designate places for taking shad and/or river minnows for bait fishing.

Mr. Stephens, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the

following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Stoddard:

S. 126. To empower Boards of Education in Counties, where the maximum salary of the Superintendent of Education is prescribed by law, to fix, approve, and authorize the payment of the traveling expenses incurred by the Superintendent in the performance of his official duties within the county and the expenses incurred by him when his official duties require him to go outside of the County; to require Superintendents of Education to prepare and file on forms to be prescribed by the State Board of Education a certified itemized statement of the expenses incurred; and to provide that the payment of the expenses hereby authorized shall not constitute a part of the official salary of such Superintendents.

By Mr. Browder:

S. 123. To prescribe the qualifications of County Superintendents of Education and City Superintendents of Schools and to provide for the certification of these officials.

Mr. Stephens, chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without Recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Browder:

S. 122. To provide for tenure of office of teachers in the public schools of Alabama.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following:

By Mr. Chichester:

H. J. R. 62. BE IT RESOLVED by the House, the Senate concurring that the Clerk of the House and the Secretary of the Senate are hereby authorized and directed to provide each member of the legislature with one copy of Simon's Compilation of Alabama Revenue Laws.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

H. J. R. 62, set out in the foregoing Message from the House, was concurred in and adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following:

By Mr. Walton:

S. J. R. 29. Relative to endorsing the movement sponsored by the Franklin Delano Roosevelt Memorial Association to erect a hospital for crippled children in the Tennessee Valley on the site of Old LaGrange College in Colbert County, Alabama, and to dedicate same as a memorial to the Honorable Franklin Delano Roosevelt.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following:

By Mr. Kelly:

S. J. R. 30. Relative to House Bill No. 112 being known as and named the Welch-Woodall-Walden bill.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the following House bill:

By Mr. Welch:

H. 112. To propose an amendment to the Constitution of Alabama to be known as Article _____ providing that all proceeds derived from any State excise, privilege, or license taxes on the disposition of gasoline, other liquid motor fuels, or substitutes therefor and any State excise or license taxes on motor vehicles or trailers or on motor vehicle owners or operators for the operation

of such motor vehicle shall, except for necessary cost of collection and administration, be apportioned and used solely and exclusively for construction, reconstruction, maintenance, supervision, and repair of public roads, highways, streets, and bridges within the State; for interest and retirement of loans or obligations incurred in connection with such functions and shall not be diverted by transfer of funds or otherwise to any other purpose.

And requests a Committee of Conference. The Speaker of the House has appointed as conferees on the part of the House Messrs. Welch, Lusk and Ellis.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Woodall, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 112, the title of which is set out in the foregoing Message from the House.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Browder	Mixon	St. John	Tucker
Carlton	Mooneyham	Simpson	Walden
Chesnut	McConnell	Starnes	Walton
Cook	McDowell	Stephens	Weaver
Dorsey	Riddle	Swift	Wellborn
Kuykendall	Rogers	Taylor	Woodall
Locke	Russell	Thomas	

—27

Nays:—None.

And the President and Presiding Officer of the Senate appointed as conferees on part of the Senate Messrs. Woodall, Walden and Russell.

RESOLUTIONS

The Rules Committee reported the following resolution:

S. R. 35. Resolved, that the Senate, today, take up its Calendar in the following order:

1. Special Orders.
2. Local Bills
3. Senate Bills
4. House Bills.

Which was adopted.

The Rules Committee also reported the following joint resolution:

S. J. R. 36. BE IT RESOLVED BY THE SENATE, the House concurring, that when the two Houses adjourn today, they adjourn to meet again Friday, February 5, 1937, at 10 A. M.

Which was adopted.

Mr. St. John offered the following resolution:

S. R. 37. WHEREAS, the Hon. John J. Sparkman, Representative in the Congress of the U. S., from the eighth Congressional District of Alabama, spoke before the Association of Alabama Road Builders on Wednesday night, Feb. 4th,

AND WHEREAS, Mr. Sparkman is a member of the Road's Committee in Congress and is very much interested in making it possible for Alabama to match all federal road money available.

AND WHEREAS, in his speech he outlined the conditions necessary for Alabama to match all available Federal Road money,

NOW THEREFORE, BE IT RESOLVED BY THE SENATE that 500 copies of the Hon. John J. Sparkman's speech before the Alabama Road Builders' Assoc. be printed and placed on the desk of each member of the Alabama Legislature.

Which was read and referred to the Standing Committee on Rules.

CONSIDERATION OF SPECIAL ORDERS

Upon a call of the Calendar, the Senate proceeded to consider the Special Orders for today, the first of which was the bill:

H. 86. To establish a Commission and empower it to eliminate unfair practices in the tobacco trade and to provide for the expenses of said Commission.

Was taken up.

Mr. Mooneyham offered the following substitute for the bill, to-wit:

A BILL

To be entitled An Act to establish a commission and empower it to eliminate unfair practices in the tobacco trade and to provide for the expenses of said commission.

Be it enacted by the Legislature of Alabama:

Section 1. Definition of Terms. The words, "tobacco trade," as used in this Act shall mean and include any person, firm, asso-

ciation or corporation that handles, purchases or sells tobacco at wholesale or retail.

The word, "tobacco," as used in this Act shall include cigars, cigarettes, chewing tobacco, smoking tobacco, snuff and all other tobacco products.

The words, "unfair practice," as used in this Act shall mean (1) any Act which tends to create a trust, combine or monopoly in the tobacco trade in Alabama (2) the employment of any method by the tobacco trade in Alabama that is designed or calculated or intended, or the probable or natural effect of which is, to strangle or eliminate competition, or embarrass a fair competitor, or to give undue and unfair advantage over fair competition. (3) The distribution of tobacco as bait or inducement to the purchaser of other commodities. (4) The sale of tobacco when any product is given or is sold at a reduced price as an inducement to the sale of the tobacco. (5) The evasion of the revenue statutes of Alabama relating to tobacco trade or any evasion of the provisions and requirements of this Act. (6) The sale or other disposition by any dealer in tobacco, of any tobacco or tobacco product for a sum less than the actual net replacement cost of the merchandise, irrespective of all State taxes, plus the cost of distribution. (7) "Cost of Merchandise," means actual net cost after all trade discounts are deducted, or current replacement cost, whichever is lower. (8) "Cost of Distribution," means merchandise cost plus overhead, overhead to be determined in the following manner: Tobacconists shall be required within sixty days after this law becomes effective and thereafter annually by January 31st of each year, to make report to the Commission hereinafter established of the cost of overhead of the tobacconist making same, the basis for ascertaining the cost of overhead shall include all elements recognized by good accounting practices, and the Commission from a reasonable number of these reports from various sections of the State, is to determine an overhead for the retail trade and an overhead for the wholesale trade, each to apply uniformly throughout the State.

Section 2. Intent of the Legislature. It is the intent of the Legislature of Alabama to advance human welfare in this State by making a remedy available to people engaged in the tobacco trade in Alabama from unfair and destructive competition, cutthroat methods and unfair practices and the menace of trusts, combines and monopolies. This enactment is declared to be remedial in its nature and it is the intention of the Legislature that it is to be liberally construed by all courts to an end that the evils aimed at may be corrected by the advancement of an adequate remedy.

Section 3. Alabama Tobacco Commission Established: Its Jurisdiction, Power and Authority. A Commission to be known

as the Alabama Tobacco Commission is hereby created and established. Said Commission shall be composed of three persons, one of whom sells tobacco at retail, one of whom sells tobacco at wholesale, and one who is not engaged in the tobacco trade in any form. They shall be appointed by the Governor and shall hold office at his pleasure and be removable by him at any time. The member who is not engaged in the tobacco trade in any form shall be chairman of the Commission, and shall devote his entire time to the duties of his office, and the other two persons shall be associate members of the commission, who shall serve when requested by the Chairman. The Chairman and one member shall constitute a quorum. The Commission shall have a seal and its headquarters shall be at the State Capitol at Montgomery, Alabama. It shall secure such furniture, stationery and other property supplies as shall be reasonably necessary for the carrying out of the provisions of this Act. It may employ a Secretary and such other professional, technical and clerical help, with the approval of the Governor, as may be necessary to enable it to perform its duties. The Commission shall have full jurisdiction and authority to investigate, and it is hereby made its duty to investigate, either on its own motion or on complaint made in writing to it, any person, firm, association or corporation engaged in handling tobacco, or the purchase or sale of tobacco in Alabama, wholesale or retail, that is suspected of engaging in any unfair practice, provided always that such investigation shall be made only after at least ten days' notice in writing to the owner, operator or proprietor, of the time and place of such investigation, and with full opportunity of his or its part to be fully heard on all questions, either in person or by counsel. The Commission is fully empowered to ascertain whether any person, firm, association or corporation handling, purchasing or selling, tobacco, or tobacco products in this State, is engaged in any unfair practice; and shall make a finding in each case and in event it is found that any unfair practice is being engaged in, the Commission's finding shall fully and fairly point out and specify the conduct which the Commission holds constitutes an unfair practice, and the finding shall be followed by an order directed to the person, business or industry investigated, ordering him, her or it, to refrain from and discontinue such unfair practices. The Commission is especially empowered and charged with the duty of ascertaining the cost of doing business and the discount in prices at which various tobacco products are being sold, together with any other information relating to the tobacco trade in this State that is deemed necessary by the Commission to enable it to carry out the purposes and intentions of this Act.

Section 4. Any person, firm, association or corporation engaged in, or associated or connected in any way with the tobacco

trade in Alabama, or who handles, sells or purchases tobacco, who engages in or is guilty of an unfair practice, after being ordered by the Commission to discontinue it, is guilty of a misdemeanor, and on conviction, must be punished by a fine of not less than Twenty-five (\$25.00) Dollars, and not more than One Thousand (\$1,000.00) Dollars, or by imprisonment at hard labor for the county for not exceeding twelve (12) months, one or both, at the discretion of the court trying the case.

Section 5. The Commission shall conduct its investigation, and hear evidence in the county where the person investigated lives, or in the county where the business investigated is located or conducted, and whenever practicable on the premises of the business investigated.

Section 6. The Chairman of the Commission shall receive a salary of Thirty-six Hundred (\$3,600.00) Dollars per year, and expenses when away from Montgomery engaged in the business of the Commission, payable in monthly installments as the salaries of other State officers are now paid. Each associate member of the Commission shall be paid Six (\$6.00) Dollars per day for each day actually devoted to the business of the Commission at the request of the Chairman, not to exceed, however, Fifty (\$50.00) Dollars, each per month, and actual travel expenses incurred in the discharge of their duties as members of the Commission. The Secretary shall be paid Fifteen Hundred (\$1,500.00) Dollars per year, in monthly installments. The compensation of other employees shall be fixed by the Commission and approved by the Governor.

Section 7. Any person aggrieved by any order or ruling of the Commission may appeal to the Circuit Court of the County in which the business investigated is operated, or if such business is operated in more than one county, then in any county in which it is operated.

Section 8. Every person, firm, association or corporation in this State, selling or offering to sell tobacco or tobacco products at wholesale shall register with the Secretary of the Commission within thirty days after the approval of this Act, and on or before January 15th in each succeeding year, and pay a registration fee as follows. (a) Wholesalers whose gross tobacco business amounts to fifty-one (51%) percent or more of his total volume of business, shall pay an annual registration fee of Two Hundred (\$200.00) Dollars. (b) Wholesalers whose gross tobacco business amounts to less than fifty-one (51%) percent of his total volume of business, shall pay an annual registration fee of Fifty (\$50.00) Dollars.

Both wholesalers and retailers must register annually, and wholesalers pay the registration fee annually. Said sum shall be paid into the State Treasury to the credit of Alabama Tobacco

Commission. Any wholesaler failing to register within the time fixed by this Act without lawful excuse, shall be guilty of a misdemeanor. Any unexpended part of the registration fees remaining to the credit of the Alabama Tobacco Commission at the end of the calendar year shall be transferred to the educational fund and used exclusively for educational purposes; provided, however, that ten percent of said unexpended portion shall be retained for contingencies.

Section 9. The Commission may from time to time promulgate rules and regulations as it may find necessary for the most effective administration of this law.

Section 10. The sum of One Thousand (\$1,000.00) Dollars is hereby appropriated for the use of the Commission established herein, which sum shall be repaid to the State Treasury out of the first monies collected by the Commission.

Section 11. If any paragraph or provision of this Act shall be declared unconstitutional by a Court of Competent Jurisdiction, such holdings shall not affect any other paragraph or provision not in itself unconstitutional.

Section 12. This Act shall take effect upon its approval by the Governor and all laws and parts of laws in conflict herewith are hereby specifically repealed.

On motion of Mr. Kelly, the Senate indefinitely postponed consideration of the bill, H. 86, and the pending substitute.

Yeas, 18; Nays, 12.

Yeas:

Messrs.:

Carlton	Kelly	Parrish	Thomas
Chesnut	Kuykendall	Riddle	Walton
Dorsey	Locke	Starnes	Weaver
Frazer	Mixon	Stephens	Woodall
Goldsmith	McConnell		

—18

Nays:

Messrs.:

Browder	McDowell	Simpson	Tucker
Cook	Rogers	Swift	Walden
Mooneyham	St. John	Taylor	Wellborn

—12

ORDER TO PRINT

On motion of Mr. Stephens, 500 copies of the bills:

S. 122. To provide for tenure of office of teacher in the public schools of Alabama.

S. 130. To propose an amendment to Section 48 of Article IV of the Constitution of Alabama, and, to provide for the submission of the proposed amendment to the qualified electors of the State on the first Tuesday following the expiration of three (3) months after the final adjournment of this session of the Legislature.

S. 131. To propose an amendment to Section 49 of Article IV of the Constitution of Alabama and, to provide for the submission of the proposed amendment to the qualified electors of the State on the first Tuesday following the expiration of three (3) months after the final adjournment of this session of the Legislature.

Were ordered printed for the use of the members of the Senate.

RECESS

At 12:30 P. M., on motion of Mr. Riddle, the Senate took a recess until 2:30 this afternoon.

AFTERNOON SESSION—TWENTIETH DAY

Thursday, February, 4, 1937.

The Senate re-assembled at 2:30 P. M., Lieutenant-Governor Knight presiding.

ROLL CALL

Present:

Messrs.:			
Browder	Kuykendall	Rogers	Taylor
Carlton	Locke	Russell	Thomas
Chesnut	Mixon	St. John	Tucker
Cook	Mooneyham	Simpson	Walden
Dorsey	McConnell	Starnes	Walton
Frazer	McDowell	Stephens	Weaver
Goldsmith	Parrish	Stoddard	Wellborn
Kelly	Riddle	Swift	Woodall

—32

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Locke:

S. 139. To amend Section 9997 of the Code of Alabama of 1923.

Committee on Revision of Laws.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bill.

By Mr. Castleberry:

H. 35. To Amend an Act, entitled "An Act to provide that if, under the terms of an annuity contract or policy of life insurance, or under any written agreement supplemental thereto, issued by any life insurance company, the proceeds, or any part thereof, are retained by such company at maturity, or otherwise, permission is expressly withheld by the terms of such contract, policy or supplemental agreement, no person entitled to any part of such proceeds, or installments of interest due, or to become due thereon, shall be permitted to commute, anticipate, encumber, alienate or assign the same, or any part thereof, and that no such payment shall be in any way subject to such person's debts, contracts, or engagements, nor to any judicial process to levy upon or attach the same; and to provide, further, that no such company shall be required to segregate such funds, but may hold them as a part of its general corporate funds," approved August 9, 1935, so as to further provide and regulate the exemption from legal process to enforce a debt or liability of the proceeds of policies which mature on account of disability except for premiums payable on such policy or lawful assignment of same.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

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HOUSE MESSAGE

The House bill in the foregoing Message from the House was read one time at length and referred to appropriate Standing Committee as follows:

H. 35—To the Committee on Judiciary.

CONSIDERATION OF SPECIAL ORDERS RESUMED

The Senate proceeded to further consideration of the Special Orders for today, which was the bill:

S. 96. To amend Section 5 of an Act entitled "An Act to amend an Act entitled, 'An Act to provide for the General Revenue of the State of Alabama, Approved July 10, 1935,' by adding Schedule 155.4A and Schedule 155.4B to Section 348 of said Act", Approved December 17, 1936".

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Browder	Mixon	Russell	Tucker
Chesnut	McConnell	Simpson	Walden
Cook	McDowell	Starnes	Walton
Dorsey	Parrish	Stephens	Weaver
Kuykendall	Riddle	Taylor	Wellborn
Locke	Rogers	Thomas	

—23

Nays:—None.

BILLS ON THIRD READING

The bill:

H. 232. To alter and re-arrange the boundaries of the city of Prichard.

Was taken up.

The Standing Committee on Local Legislation reported the following amendment to the bill, to-wit:

Amend Section 1 of House bill 232 to read as follows:

"Section 1. That the boundaries of the City of Prichard in this State be, and the same are hereby altered and re-arranged so as to include within the corporate limits of the said city of Prichard all that territory embraced within the following lines:

Begin at the intersection of the west side of College Street, if extended, and the Southern Right of Way line of the Bay Shore Railroad thence in an Easterly direction along said Southern right of way line to an intersection with the South side of Lorraine Street; thence East along the South side of Lorraine Street and the South side of Butler Street to the center of the Craft Highway thence South along the center of the Craft Highway to its intersection with the North line of Section 4 Twp 4 S, R 1 West, thence East along the North side of said section to the N.E. Corner thereof; thence South along the East side of said Section 4 to the North side of Sweeney's Lane, thence Southwestwardly along the North line of Sweeney's Lane to its intersection with the West line of the right of way of the Mobile and Ohio Railroad, thence Southwardly along the West line of said right of way 874 feet, thence south 21 degrees and 05 minutes east 137.3 feet to a fence line, thence South 75 degrees and 40 minutes West to a point on the East side of Craft Highway at the intersection with Conception Street Road, thence Northwardly along the East side of Craft Highway to its intersection with the North line of Sweeney's Lane, thence west and Southwest along the North and Northwest side of Sweeney's Lane as same curves to the West side of College

Street; thence in a Northerly direction along the West side of College Street to its intersection with the South right of way line of the Bay Shore Railroad, the point of beginning."

Which was adopted.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Browder	Kuykendall	Rogers	Taylor
Carlton	Mixon	Russell	Thomas
Chesnut	Mooneyham	St. John	Walden
Dorsey	McDowell	Simpson	Walton
Frazer	Parrish	Stephens	Weaver
Goldsmith	Riddle	Swift	

—23

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Browder	Kuykendall	Rogers	Taylor
Carlton	Mixon	Russell	Thomas
Chesnut	Mooneyham	St. John	Walden
Dorsey	McDowell	Simpson	Walton
Frazer	Parrish	Stephens	Weaver
Goldsmith	Riddle	Swift	

—23

Nays:—None.

The bill:

H. 224. To provide for an election to submit to the qualified electors of Morgan County, Alabama, for their approval or rejection a proposal to issue bonds in an amount not exceeding \$115,000.00 for the purpose of acquiring and paying for additional real property (Block 387 according to plan of Decatur, Alabama) adjoining that where the court house and jail now set, and for the constructing and equipping of a jail building for said county and to levy and collect taxes on all taxable property in said county at a rate not exceeding one mill to provide a fund for the payment of said indebtedness and interest thereon, and to provide for the issuance of said bonds and the levy of said tax over a period not exceeding fifteen years in the event the said proposal is approved by the majority voting in said election; and to provide for the construction and equipping of said jail building.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Browder	Kuykendall	Rogers	Taylor
Carlton	Mixon	Russell	Thomas
Chesnut	Mooneyham	St. John	Walden
Dorsey	McDowell	Simpson	Walton
Frazer	Parrish	Stephens	Weaver
Goldsmith	Riddle	Swift	

—23

Nays:—None.

The bill:

H. 169. To provide that in all counties in the State of Alabama, now or hereafter having more than one hundred and ten thousand population, and less than three hundred thousand population, according to the last, or any Federal census, that the Board of Revenue and Road Commissioners of such counties, or whatever may be called, furnish all necessary expenses to the office of Tax Assessor and Tax Collector and Tax Agents, which shall include, automobiles, gasoline, stationery, and other necessary expenses to be certified by the Tax Collector or Tax Assessor or Tax Agents of such counties, or requisition by him. And to be paid out of the county Treasury by a warrant to be drawn by the Board of Revenue and Road Commission on the general fund of such county.

Was taken up.

The Standing Committee on Local Legislation reported the following amendment to the bill to-wit:

Amend the caption of House Bill 169 by striking therefrom the word "automobiles".

Amend Section 1 of House Bill 169 by striking therefrom the word "automobiles".

Amend Section 5 of House Bill 169 to read as follows: "This law shall become effective immediately upon its passage and approval by the Governor and shall remain in force and effect until the first day of January 1939."

And on motion of Mr. Rogers the amendment offered by the Committee on Local Legislation was tabled.

Mr. Rogers offered the following substitute for the bill, H. 169, to-wit:

A BILL

To be entitled An Act to provide that in all counties in the State of Alabama, now or hereafter having more than one hundred

and ten thousand population, and less than three hundred thousand population, according to the last, or any subsequent Federal Census, that the Board of Revenue and Road Commissioners of such counties, by whatever name called, furnish to the office of Tax Assessor, automobile and gasoline, to be used only when necessary in the proper conducting of his office, and to the Tax Collector of such county, gasoline only, to be used during the time which he is required, under the law, to make collections in different precincts throughout the county, and to the Tax Agent, gasoline only, to be used only by him when necessary in carrying on the duties of his office, on requisition by them and to be paid out of the County Treasury by warrant to be drawn by the Board of Revenue and Road Commissioners on the general funds of such county.

Be it enacted by the Legislature of Alabama:

Section 1. To provide that all counties in the State of Alabama, now or hereafter having more than one hundred and ten thousand population, and less than three hundred thousand population, according to the last or any subsequent Federal Census, that the Board of Revenue and Road Commissioners of such counties, by whatever name called, furnish to the office of Tax Assessor, an automobile and gasoline, to be used only when necessary in the proper conducting of his office, and to the Tax Collector of such county, gasoline only, to be used during the time which he is required, under the law, to make collections in different precincts throughout the county, and to the Tax Agent, gasoline only, to be used only by him when necessary in carrying on the duties of his office, on requisition by them and to be paid out of the County Treasury by warrant to be drawn by the Board of Revenue and Road Commissioners on the general funds of such county.

Section 2. That the Board of Revenue and Road Commissioners shall issue such warrant for the same as is certified by the Tax Collector, Tax Assessor, or Tax Agent of such counties whenever such Tax Collector, Tax Assessor, or Tax Agent provides a certificate by him that such allowance was necessary and is true and correct.

Section 3. All laws and parts of laws in conflict with this Act are hereby expressly repealed.

Section 4. If any section, sentence, provision or word in this Act shall be held invalid or unconstitutional that it shall not affect any other section, sentence, provision or word.

Section 5. This act shall take effect on its passage and approval, and be in force and effect until October 1, 1938.

Which was adopted.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Browder	Kuykendall	Rogers	Taylor
Carlton	Mixon	Russell	Thomas
Chesnut	Mooneyham	St. John	Walden
Dorsey	McDowell	Simpson	Walton
Frazer	Parrish	Stephens	Weaver
Goldsmith	Riddle	Swift	

—23

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Browder	Kuykendall	Rogers	Taylor
Carlton	Mixon	Russell	Thomas
Chesnut	Mooneyham	St. John	Walden
Dorsey	McDowell	Simpson	Walton
Frazer	Parrish	Stephens	Weaver
Goldsmith	Riddle	Swift	

—23

Nays:—None.

The bill:

S. 105. To amend an act entitled an Act "To create and establish a Board of Revenue in and for Limestone County, Alabama, to be composed of five members, one of whom shall be chairman of said board; to fix the qualifications of the chairman and the members of said board; to provide where the chairman and members of said board shall reside during their term of office; to abolish the Court of County Commissioners of said County; to divide said County into four districts and to define the boundaries of each said districts; to designate, declare and appoint a member from each of said districts and to define the term of office of each of said members of the Board of Revenue so designated, declared and appointed; to provide for the appointment of the chairman of said board and to fix the term of his office under said appointment; to provide for the filling of vacancies in said board; to provide for the nomination of the chairman and each member of said board; to provide for the election of the chairman of the said board and the members designated, declared and appointed by this Act at the expiration of their respective terms of office; to define the power and jurisdiction of the said board; to fix the compensation of the chairman and members of said board; to confer upon the said board all the jurisdiction, power and authority granted by law to Courts of County Commissioners, Boards of Revenue or other governing bodies of like name or authority in this State; to repeal

all laws in conflict with this Act, approved July 27, 1931, by amending Sections 5 and 22 of said Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Browder

Carlton

Chesnut

Dorsey

Frazer

Goldsmith

Kuykendall

Mixon

Mooneyham

McConnell

Parrish

Riddle

Rogers

Russell

St. John

Simpson

Stephens

Swift

Taylor

Thomas

Walden

Walton

Weaver

—23

Nays:—None.

The bill:

S. 107. To establish juvenile courts in all counties in the State of Alabama now having a population of not less than 38,800 nor more than 38,890 according to the federal census of 1930, defining their powers and jurisdictions and providing for the process and procedure of said courts; for the appointment of the judge of such courts; their terms of office and salary; and defining their duties; and providing for the payment of the expenses of such courts by the Boards of County Commissioners or by whatever name they shall be known in said Counties; and providing for the detention of juvenile delinquents and dependents and neglected children; and providing for the protection of said children against disqualification or prejudice on account of judgment or order of said court or any confession, statement, declaration or admission or silence or demeanor of said juveniles.

Was taken up.

Mr. Browder offered the following amendment to the bill, to-wit:

Amend Senate Bill 107

By striking out the figures "38,880" and "38,890" wherever they occur in the caption and in the bill and substituting therefor respectively "36,880" and "36,890."

Which was adopted.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Browder

Carlton

Chesnut

Dorsey

Frazer

Goldsmith

Kuykendall

Mixon

Mooneyham

McConnell

Parrish

Riddle

Rogers

Russell

St. John

Simpson

Stephens

Swift

Taylor

Thomas

Walden

Walton

Weaver

—23

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Browder	Kuykendall	Rogers	Taylor
Carlton	Mixon	Russell	Thomas
Chesnut	Mooneyham	St. John	Walden
Dorsey	McConnell	Simpson	Walton
Frazer	Parrish	Stephens	Weaver
Goldsmith	Riddle	Swift	

—23

Nays:—None.

The bill:

H. 252. To designate the time in each year when the Board of Registrars shall sit for the purpose of registering voters in all Counties having a population of not less than 75,000, nor more than 100,000 population according to the last or any succeeding Federal census; to provide that said session shall be in lieu of all other sessions now authorized by law and to repeal all laws or parts of laws in conflict herewith.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Browder	Kuykendall	Rogers	Taylor
Carlton	Mixon	Russell	Thomas
Chesnut	Mooneyham	St. John	Walden
Dorsey	McConnell	Simpson	Walton
Frazer	Parrish	Stephens	Weaver
Goldsmith	Riddle	Swift	

—23

Nays:—None.

The bill:

H. 251. To provide for the payment to the Clerk and Sheriff of DeKalb County of costs and fees accruing after the passage of this Act which would otherwise be payable out of the Fine and Forfeiture Fund of DeKalb County to be paid quarterly out of the General Fund of said County instead of out of the Fine and Forfeiture Fund of said County; to provide for the method, manner and time of payment of the same and make the same a preferred claim against the General Fund of said County and provide that nothing in this Act contained shall otherwise affect the law with reference to the Fine and Forfeiture Fund of DeKalb County.

Was taken up.

The Standing Committee on Local Legislation reported the following amendment to the bill to-wit:

Amend House Bill 251 by adding Section 2 so as to read as follows:

"Section 2. That this Act shall become operative when it is ratified by the majority vote of the qualified electors of DeKalb County."

Which was adopted.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Browder	Kuykendall	Rogers	Taylor
Carlton	Mixon	Russell	Thomas
Chesnut	Mooneyham	St. John	Walden
Dorsey	McConnell	Simpson	Walton
Frazer	Parrish	Stephens	Weaver
Goldsmith	Riddle	Swift	

—23

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Browder	Kuykendall	Rogers	Taylor
Carlton	Mixon	Russell	Thomas
Chesnut	Mooneyham	St. John	Walden
Dorsey	McConnell	Simpson	Walton
Frazer	Parrish	Stephens	Weaver
Goldsmith	Riddle	Swift	

—23

Nays:—None.

The bill:

H. 257. To provide for the election of members of the Board of Education of Marion County, and the time and manner thereof and the time and manner of the election and selection of the successors to the present board shall be elected by the qualified electors of each of the subdivisions of said county herein designated and described; and to provide for their terms of office and to provide for the duties of powers of the said Board of Education, and for the compensation and qualification of members thereof.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Browder	Kuykendall	Rogers	Taylor
Carlton	Mixon	Russell	Thomas
Chesnut	Mooneyham	St. John	Walden
Dorsey	McConnell	Simpson	Walton
Frazer	Parrish	Stephens	Weaver
Goldsmith	Riddle	Swift	

—23

Nays:—None.

The bill:

S. 116. To create a Hospital Board for Walker County, prescribe its duties, to authorize the equipment and operation of the County owned Hospital and Nurses Home, to require the chairman and superintendent to give bond, conditioned as provided by law for official bonds, to fix the salary of the superintendent and other employees, to appropriate out of the general funds of the said County, \$1,000.00 per month, and provide the manner of its payment, for the care and treatment of indigent patients of said county, to provide for the appointment of members of said Hospital Board, and their qualifications, and to pass on the necessity of indigent patients needing hospitalization, and to fix charges for pay patients, and to provide that the present members of the Hospital Board as now constituted, shall serve the remainder of their terms of office under their present appointment by the Board of Revenue, and to make the said appropriations a preferred claim against the County.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Browder	Kuykendall	Rogers	Taylor
Carlton	Mixon	Russell	Thomas
Chesnut	Mooneyham	St. John	Walden
Dorsey	McConnell	Simpson	Walton
Frazer	Parrish	Stephens	Weaver
Goldsmith	Riddle	Swift	

—23

Nays:—None.

The bill:

S. 94. To submit to the qualified voters of the State of Alabama, at an election to be held on the first Tuesday after the expiration of three months after the final adjournment of the present Special Session of the Legislature, for their consideration, an amendment to the Constitution of Alabama, so as to authorize

and empower the Legislature of Alabama, from time to time, by general or local laws to fix, regulate and alter the fees, commissions, allowances or salary to be charged or received by the Sheriff of Mobile County, including the method and basis of his compensation.

Was read a third time at length as required by the Constitution and passed and ordered sent forthwith to the House without engrossment.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Browder	Mixon	Russell	Thomas
Chesnut	Mooneyham	St. John	Tucker
Cook	McConnell	Simpson	Walden
Dorsey	McDowell	Starnes	Walton
Frazer	Parrish	Stephens	Weaver
Kuykendall	Riddle	Stoddard	Wellborn
Locke	Rogers	Taylor	Woodall

—28

Nays:—None.

The bill:

S. 63. To propose an amendment to the Constitution of Alabama to be known as Article _____, prohibiting the State, the several counties and municipalities and other political subdivisions and instrumentalities thereof from using or expending funds derived from taxes and licenses on gasoline, other liquid motor fuels or substitutes therefor, automobiles, trucks, busses and other motor vehicles, excepting revenues derived from driver's license fees and motor vehicle advalorem taxes, including any tax or license based upon any gallonage or other amount or quantity levied upon any distributor, wholesaler, refiner, broker, retail dealer, seller, receiver or storer of gasoline, other liquid motor fuels or substitutes therefor whether such distributor, wholesaler, refiner, broker, retail dealer, seller, receiver or storer is a person, corporation, co-partnership, agency, company, association, county or counties, municipalities and other political subdivisions and instrumentalities of the State for purposes or uses, after deduction of cost of collection and administration, other than the following: construction, improvement and/or maintenance of public roads, streets, highways and bridges and retirement of indebtednesses and interest thereon occurred in such construction, improvement and/or maintenance of such public roads, streets, highways and bridges by the State and any or all of the several counties and municipalities and other political subdivisions or instrumentalities thereof. Such amendment shall not apply to any use of such taxes, licenses or funds for the retirement of indebtednesses and interest thereon oc-

curred in uses other than for the construction, improvement and/or maintenance of such public roads, streets highways and bridges allowed by any law or laws in existence and effect prior to the adoption of this amendment.

Was taken up.

Mr. Woodall offered the following substitute for the bill, to-wit:

A BILL

To be entitled An Act to propose an amendment to the Constitution of Alabama to be known as Article _____, providing that all proceeds derived from any State excise, privilege, or license taxes on the disposition of gasoline, other liquid motor fuels, or substitutes therefor and any State excise or license taxes on motor vehicles or trailers or on motor vehicle owners or operators for the operation of such motor vehicle shall, except for necessary cost of collection and administration, be apportioned and used solely and exclusively for construction, reconstruction, maintenance, supervision, and repair of public roads, highways, streets, and bridges within the State; for interest and retirement of loans or obligations incurred in connection with such functions and shall not be diverted by transfer of funds or otherwise to any other purpose.

Be it enacted by the Legislature of Alabama.

SECTION 1. The following amendment to the Constitution of Alabama is hereby proposed and an election is hereby ordered by the qualified voters of the State of Alabama upon the proposed amendment and the day hereby appointed for such election is the day of the next general election held in the State of Alabama more than three months after the adjournment of this Special Session of the Legislature at which this amendment is proposed, said proposed amendment being as following:

Article _____, After the adoption of this amendment all proceeds derived from any State excise, privilege or license taxes, on the disposition of gasoline, other liquid motor fuels, or substitutes therefor, and any State excise or license taxes on motor vehicles or trailers or on motor vehicle owners or operators for the operation of such motor vehicles shall, except for necessary cost of collection and administration, be apportioned, and used solely and exclusively for construction, reconstruction, maintenance, supervision and repair of public roads, highways, streets, and bridges within the State; for interest and retirement of loans or obligations incurred in connection with such functions, and shall not be diverted by transfer of funds or otherwise, to any other purpose.

SECTION 2. Notice of the election hereby ordered together with the amendment hereby proposed shall be given by proclamation of the Governor which shall be published in one newspaper in each county of the State once a week for four consecutive weeks next preceding the day hereby appointed for such election.

SECTION 3. At the election hereby ordered to be held as herein provided the qualified electors shall vote on such proposed amendment and on the official ballot provided for such election there shall be printed or partly printed and partly written the following: Shall the following be adopted as an amendment to the Constitution of Alabama: Article _____, After the adoption of this amendment all proceeds derived from any State excise, privilege, or license taxes on the disposition of gasoline, other liquid motor fuels, or substitutes therefor, and any State excise, or license taxes on motor vehicles or trailers or on motor vehicle owners, or operators for the operation of such motor vehicles shall, except for necessary cost of collection and administration, be apportioned and used solely and exclusively for construction, reconstruction, maintenance, supervision and repair of public roads, highways, streets, and bridges within the State; for interest and retirement of loans or obligations incurred in connection with such functions, and shall not be diverted by transfer of funds or otherwise, to any other purpose (YES_____)(NO_____).

SECTION 4. The officers to hold the said election shall be the same officers who are appointed and shall hold the general election held on the date on which said amendment is to be voted on and the election with respect to said amendment shall be conducted in all respects as provided by law for general elections held in the State of Alabama.

SECTION 5. The votes cast in such election shall be canvassed, tabulated, and returns thereof be made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature and if it shall thereupon appear that a majority of the qualified electors who voted in such election upon the proposed constitutional amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the constitution of the State of Alabama. The result of such election shall be known by a proclamation of the Governor.

And on motion of Mr. Woodall, the bill, S. 63, and pending substitute were indefinitely postponed by the Senate.

The bill:

S. 30. To provide for the payment to the Sheriffs of the several Counties of the State out of the State Treasury certain fees for service in the feeding of prisoners, and to repeal an Act of the Leg-

islature approved July 10, 1935, entitled "An Act to provide for payment to the Sheriffs of the several Counties of the State for service in preparing food of prisoners, serving food of prisoners and other service incident to the feeding of prisoners, not including the food to be served to prisoners, and to specifically repeal Section 4828 of the Code of Alabama of 1923." (General Acts 1935, page 595).

Was read a third time at length and lost by a failure to receive the required Constitutional majority.

Yeas, 19; Nays, 12.

Yeas:

Messrs.:

Browder	Locke	St. John	Tucker	
Dorsey	Mooneyham	Simpson	Walden	
Frazer	McDowell	Starnes	Weaver	
Goldsmith	Rogers	Taylor	Wellborn	
Kuykendall	Russell	Thomas		—19

Nays:

Messrs.:

Carlton	Kelly	Parrish	Stoddard	
Chesnut	Mixon	Riddle	Walton	
Cook	McConnell	Stephens	Woodall	—12

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following:

By Rules Committee:

S. J. R. 36. Relative to two Houses adjourning today to meet again on Friday, February 5, 1937, at 10 A. M.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, with his objections and proposed amendment to the Bill:

By Mr. Boswell:

H. 34. To amend Sections 338 and 344 of an act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

Said Governor's Message containing the proposed amendment being in words and figures as follows, to-wit:

"To the House of Representatives,
Montgomery, Alabama.

Gentlemen:

I am herewith returning to you, the Body in which it originated, House Bill No. 34 without my approval.

The bill is in improper form and in my judgment contains unconstitutional provisions as offensive to Section 100 of the Constitution of Alabama of 1901.

I, therefore, suggest the following amendments:

Amend, by inserting the following words just preceding the words "Section 344":

Section 2. That Section 344 of an Act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935, be amended so as to read as follows:

Further amend said bill by striking therefrom Subdivision (e) and inserting in lieu thereof the following:

(e) There shall be no ad valorem tax assessed or collected upon any security included in any list on account of which the tax prescribed by law shall have been paid, either State, County or Municipal, but nothing in this Act shall be held or construed to exempt from taxes imposed by law any securities on which the taxes, which are properly due, have not been paid at the time of the passage and approval of this act.

If these suggested amendments are adopted my objection to the bill would be removed.

Respectfully,

(Signed) BIBB GRAVES,

Governor.

February 4, 1937."

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to said Bill H. 34, by a vote of a majority of the whole number elected to the House, said vote being: Yeas, 84; Nays, 1.

And said bill, H. 34, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House; said vote being: Yeas, 84; Nays, 1.

And said Bill, together with the Governor's Message, containing the proposed amendment, is herewith sent to the Senate for its consideration.

E. F. Taylor,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Wellborn, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to H. 34, the title of which and said proposed amendment is set out in the foregoing Message from the House.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Browder	Locke	Russell	Thomas
Chesnut	Mixon	St. John	Tucker
Cook	Mooneyham	Simpson	Walden
Dorsey	McConnell	Starnes	Walton
Frazer	Parrish	Stephens	Weaver
Goldsmith	Riddle	Stoddard	Wellborn
Kuykendall	Rogers	Taylor	Woodall

—28

Nays:—None.

Which was a majority of the whole number elected to the Senate.

And said bill, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 27; Nays, 3.

Yeas:

Messrs.:

Browder	Locke	Russell	Tucker
Chesnut	Mixon	Simpson	Walden
Cook	Mooneyham	Starnes	Walton
Dorsey	McConnell	Stephens	Weaver
Frazer	McDowell	Stoddard	Wellborn
Kelly	Parrish	Taylor	Woodall
Kuykendall	Rogers	Thomas	

—27

Nays: Messrs. Goldsmith, Riddle and St. John.

—3

Which was a majority of the whole number elected to the Senate.

SPECIAL ORDER SET

On motion of Mr. Simpson, the bill:

S. 6. To create and establish a state-wide Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or part from the public funds of the State of Alabama; to create a State Citizen Supervisory Commission and to create a State Personnel Board and other agencies for the supervision and administration of said System; to define the scope and extent of said System and powers, duties and authority of said Commission, Board and other agencies; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such Personnel; to provide for payment of the expenses of each such agency; to provide penalties for the violation of this Act and of rules and regulations

adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof.

Was made a Special, Paramount and Continuing Order of Business on the call of the Calendar on the Twenty-first Legislative Day.

BILLS ON THIRD READING RESUMED

The bill:

S. 54. To provide for State registration of Medical Technologists.

Was taken up.

Mr. Simpson offered the following substitute for the bill, to-wit:

A BILL

To be entitled An Act to provide for State registration of Medical Technicians.

Be it enacted by the Legislature of Alabama:

Section 1. That a Board to be known as the Board of Medical Technicians Examiners for the State of Alabama is hereby created, to consist of five members who shall be appointed by the Governor—three of whom shall be Medical Technicians of not less than five years experience, one of whom shall be a physician, and one a physician-pathologist.

Section 2. That, within sixty days after the passage and approval of this Act, the Alabama Association of Medical Technicians, through its executive committee, shall submit to the Governor a list containing the names of two regular physicians who are properly qualified as to training, licensure and ethical standing, two physicians-pathologists who are listed by the Council on Medical Education and Hospitals of the American Medical Association, and six medical technicians who, in addition to two years college instruction, shall have completed a full internship in a school of training listed and approved by the Council on Medical Education and Hospitals of the American Medical Association, or approved by the Alabama State Board of Censors; or who prior to the year 1937, had served an apprenticeship instruction of at least one year under a qualified physician-pathologist, and who shall have been engaged in medical technology for not less than five years after completion of training; and the Governor shall appoint the members of the Board from the names contained in said list.

Section 3. That each member of said Board shall serve for a term of three years and until his or her successor is appointed and qualified; except in the case of the first Board whose members shall hold office as follows: One medical technician shall be appointed to hold office for one year, one medical technician and one physician for two years, and one medical technician and one physician for three years. Upon the expiration of the term of a member of the Board, the Governor shall appoint his or her successor by the same procedure and in the same manner as the original appointment was made; except that, the names of the medical technicians submitted to the Governor for appointment to the Board shall be those only of Registered Medical Technicians, as provided for in this act. Any vacancy occurring on the Board by reason of death, resignation, or otherwise, shall in like manner be filled by appointment of the Governor for such unexpired term.

Section 4. That the members of the said Board shall, as soon as organized and annually thereafter in the month of October, select from their number a president and a secretary-treasurer. The Board shall adopt a seal which shall contain appropriate words, and the imprint of such seal shall be placed on all certificates, and also on such documents as the Board shall direct. Said Board shall be charged with the duty and responsibility of carrying into effect the purposes and objects of this act, and to that end, in addition to the specific duties herein set out, shall have full power and authority to make rules to govern its proceedings, and to adopt such measures and take such action generally in all matters pertaining to the operation of this act, not inconsistent with the provisions hereof, as to the Board shall appear advisable.

Section 5. The Secretary-Treasurer shall keep a record of all meetings of the Board, and an official register of all applicants for registration under the provisions of this act, and shall perform such other duties as may be prescribed by the Board. Said register shall show the name, age, nativity, and place of residence of each applicant, and also whether the applicant was examined, registered, or rejected under the provisions hereof; and said register shall be prima facie evidence of all matters therein contained and shall be open at all reasonable times to public inspection.

SECTION 6. All monies received for fees or otherwise under the provisions of this act shall be received by the secretary-treasurer, and shall be handled and disbursed by such officers in such manner and for such purposes as may be prescribed by the Board. The secretary-treasurer shall give bond payable to the Board in such sum as the Board may direct, conditioned to discharge the duties of said office according to law, which bond shall be approved by the president and the premium therefor paid by the Board out of its funds. The secretary-treasurer shall make an an-

nual report to the Board, including a financial statement, and containing an itemized statement of all receipts and disbursements, and such other information as the Board may require.

SECTION 7. The Board shall meet at least once in each year for the purpose of holding examinations as in this act provided, and at such other times as the Board may deem expedient. Special meetings of the Board shall be called by the secretary-treasurer upon request of the president, or upon the written request of any two members of the Board. Three members of the Board shall constitute a quorum. Notice of each meeting shall be given each member of the Board at least three days before the date of such meeting, and notice of each meeting called for the purpose of holding examinations shall be given to the public press, and by mail to each applicant for examination and to every approved training school in Alabama, at least thirty days prior to the date of such meeting.

SECTION 8. That a medical technician, within the meaning of this act, is a person who is engaged in the practice of standardized or experimental technical procedures, the results of which are interpreted by the physician in the diagnosis of disease. Provided, that this shall not apply to assistants employed by physicians to make laboratory tests whose results are to be used by such physicians in their private practice of medicine and who assume responsibility for the work so performed.

SECTION 9. That any person desiring to obtain a certificate of registration as a Registered Medical Technician (R.M.T.) under the provisions of this act, shall first make application in writing to the Board, and pay to the secretary-treasurer an application fee of Ten Dollars. Such applicant shall thereafter appear before the Board of examination at the time set therefor. Upon such examination the Board shall determine that applicant is over 21 years of age, of good moral character, and has received the minimum preliminary educational requirements. The minimum educational pre-requisites shall be high school graduation or its equivalent. On and after January 1st, 1940 the prerequisites shall be one year of college scholastic and laboratory work with credits in chemistry, bacteriology and biology. Said Board shall also determine that the applicant has satisfactorily completed a full twelve months instruction in an approved training school for medical technicians, or has received prior to the year 1938 as apprenticeship instruction of at least one year under a qualified physician-pathologist who is listed by the Council on Medical Education and Hospitals of the American Medical Association. If the applicant meets the foregoing requirements the Board shall then proceed to examine the applicant in the various departments of laboratory methods,—urinalysis, hematology, clinical bacteriology, clinical parasitology, histopathologic technic, bio-chemistry and

serology. If the applicant shall pass said examination to the satisfaction of the Board, the Board shall cause the name of the applicant to be entered upon the register kept for the purpose, and shall cause to be issued to the applicant a certificate of registration authorizing him or her to practice the profession of medical technology in this State as a Registered Medical Technician.

SECTION 10. All Medical Technicians (M.T.'s.) registered as such with the Bureau of Registry of the American Society of Clinical Pathologists prior to October 1st, 1938, shall be entitled to a certificate of registration without examination upon making an approved application therefor and the payment of a registration fee of Five Dollars. All medical technicians who have served the required apprenticeship under a physician-pathologist properly qualified as to training, licensure and ethical standing, and who are engaged as medical technicians in hospitals, private physicians' laboratories, public health laboratories, or biological laboratories, and who have been engaged as such for five years after the completion of their training, shall be entitled to a certificate of registration without examination upon making an approved application therefor and the payment of a registration fee of Ten Dollars; provided such application is made prior to October 1st, 1938. Registered Medical Technicians from other States may be registered without examination upon making application therefor, and upon furnishing evidence satisfactory to the Board that they possess the qualifications prescribed by this act, or the equivalent thereof, and upon payment of a registration fee of Ten Dollars.

Section 11: The certificate of registration herein provided for shall be in such form as may be prescribed by the Board, and shall be signed by the president and secretary-treasurer, and the seal of the Board shall be affixed.

Section 12: The Board shall have the power to annul and revoke a certificate of registration for incompetency, intemperance, immorality or unprofessional conduct on the part of the holder of such certificate, after a full and fair investigation and hearing of the charges preferred. Such charges shall be submitted in writing and under oath, and thirty days prior to the hearing thereof a copy of the charges shall be furnished the accused together with a written notice of the time and place where said charges will be heard and determined. The president and secretary-treasurer of the Board are hereby empowered to administer oaths to the witnesses at any such hearing, and all witnesses shall be sworn and shall be subject to prosecution for perjury as provided by law; and the accused shall be entitled to representation by counsel. No revocation shall be made except upon a majority vote of the full Board, and upon the revocation of any certificate same shall be null and void, and the secretary-treasurer shall strike

the name of the holder thereof from the roll of registered Medical Technologists.

Section 13: That on and after October 1, 1939, the certificate of each Registered Medical Technician shall be annually renewed during the months of October, November, and December. Upon making application for renewal the applicant shall pay to the Board a renewal fee of One Dollar. The failure of any Registered Medical Technician after October 1st, 1940, to thus procure a renewal certificate before the first day of January of each year, shall automatically forfeit his or her right to practice in the State of Alabama as Registered Medical Technician. Any person who has forfeited his or her rights as in this section provided may obtain reinstatement by making explanation or excuse satisfactory to the Board for failure to comply with the provisions hereof, and upon payment of a fee of Two Dollars for the current year.

Section 14. That a medical technician who has received his or her certificate currently in force as in this act provided, shall be styled and known as a "Registered Medical Technician" (R.M.T.). No other person shall assume the title "Registered Medical Technician" or any other letter or figure to indicate he or she is a registered medical technician. It shall be unlawful after the first day of October, 1938 for any person to practice in this State as a Registered Medical Technician, without a certificate current in force as provided for in this act.

Section 15: That any person practicing as a medical technician except under the immediate direction of a qualified Doctor of Medicine, or who violates any of the provisions of this act, and who shall wilfully make any false representation to the Board in applying for a certificate, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than Ten Dollars (\$10.00) and not more than Five Hundred Dollars (\$500.00).

Section 16: Any training school for medical technicians which is listed and approved by the Council on Medical Education and Hospitals of the American Medical Association, shall be deemed and approved training school within the meaning hereof: if not listed and approved the question of whether such training school has the standing and qualifications to meet the requirements of an approved training school within the meaning of this act, shall be determined by the State Board of Censors of the Medical Association of the State of Alabama. But said Board of Censors shall not approve for the purpose of this act any training school unless the same is an institution, laboratory (hospital, school, public health laboratory, biological laboratory, clinical laboratory) whose laboratory procedures are under the guidance of a qualified director and which maintains adequate equipment and space as well as a variety of specimens which must number not less than fifteen

hundred per month. Provided, however, that said Board of Censors may approve institutions laboratories which provide less than fifteen hundred specimens per month by requiring of applicants who have received their training thereat a proportionately longer period of training. In the case of hospital or clinical laboratories the director of the laboratory must be a physician-pathologist; in the case of Board of Health laboratories the director of the laboratory must hold a Ph.D., or a Doctor of Medicine degree. Provided further that said Board of Censors may approve institution laboratories which provide less than fifteen hundred specimens per month, by requiring of applicants who have received their training thereat a proportionately longer period of training.

SECTION 17. The secretary-treasurer shall receive a salary commensurate with the duties performed, to be fixed by the Board; and each member of the Board shall be reimbursed for all expenses necessarily incurred in attending meetings of the Board. All fees collected by said Board shall be placed to the credit of a fund which is hereby appropriated solely for the use of the said Board in the execution of and enforcement of the provisions of this act, and the payment of salaries, expenses and other costs herein provided for. Provided, that no part of said cost and expense shall be paid out of the State Treasury. Any funds remaining on hand after the payment of costs and expenses as in this act provided, may be used by the Board for the purpose of elevating the standards of schools of training for medical technicians, and of promoting the educational and professional standards of medical technicians and of medical technology in this state.

SECTION 18: If any section, or portion thereof, or any provision of this act, shall be held to be constitutional, that fact shall not have the effect of rendering invalid or inoperative any other portion or provision of this act, which is not of itself and in itself unconstitutional.

SECTION 19. All laws and parts of laws, either general or special, in conflict with the provisions of this act, are hereby expressly repealed.

Which was adopted.

Yeas, 29, Nays, 0.

Yeas:

Messrs.:

Browder
Carlton
Chesnut
Cook
Dorsey
Frazer
Goldsmith
Kuykendall

Locke
Mixon
Mooneyham
McConnell
McDowell
Parrish
Riddle

Rogers
Russell
St. John
Simpson
Starnes
Stephens
Swift

Taylor
Thomas
Tucker
Walton
Weaver
Wellborn
Woodall

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Browder	Locke	Rogers	Taylor
Carlton	Mixon	Russell	Thomas
Chesnut	Mooneyham	St. John	Tucker
Cook	McConnell	Simpson	Walton
Dorsey	McDowell	Starnes	Weaver
Frazer	Parrish	Stephens	Wellborn
Goldsmith	Riddle	Swift	Woodall
Kuykendall			

—29

Nays:—None.

The bill:

S. 104. To authorize and require Southern Railway Company, as successor to Florence Bridge Company, to discontinue maintenance and operation of the vehicular or highway portion of the bridge of said Southern Railway Company across the Tennessee River between the cities of Florence and Sheffield, upon the completion and opening for traffic by the Highway Bridge Commission, Inc., of Alabama of a vehicular or highway bridge in the vicinity of said existing bridge to serve traffic between said cities, and to authorize Southern Railway Company to continue the maintenance and operation of said bridge for railroad purposes.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Browder	Locke	Russell	Thomas
Carlton	Mixon	St. John	Tucker
Chesnut	Mooneyham	Simpson	Walden
Cook	McConnell	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Frazer	Parrish	Swift	Wellborn
Goldsmith	Riddle	Taylor	Woodall
Kuykendall			

—29

Nays:—None.

The bill:

S. 72. To limit the mount which the governing body of the municipalities of this State may assess against adjoining property

for public improvements to one-fourth of the costs of such improvements serving such adjoining property.

Was read a third time at length and lost.

Yeas, 5; Nays, 26.

Yeas:

Messrs.:

Frazer

Mixon

Starnes

Taylor

Locke

— 5

Nays:

Messrs.:

Browder

Kuykendall

Russell

Thomas

Carlton

Mooneyham

St. John

Tucker

Chesnut

McConnell

Simpson

Walden

Cook

McDowell

Stephens

Walton

Dorsey

Parrish

Stoddard

Wellborn

Goldsmith

Riddle

Swift

Woodall

Kelly

Rogers

—26

The bill:

S. 87. To repeal Section 631 of the Alabama School Code, adopted by an act of the Legislature of Alabama, approved August 27, 1927.

Was taken up.

The Standing Committee on Education reported the following substitute for the bill, to-wit:

A BILL

To be entitled an act to amend Section 631 of the Alabama School Code adopted by an Act of the Legislature of Alabama, approved August 27, 1927.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 631 of the Alabama School Code as adopted by an Act of the Legislature of Alabama approved August 27, 1927, be amended so as to read as follows:

"Section 631. No school lands or the timber thereon except indemnity lands, shall be sold without the consent of the county board of education of the county in which such lands are located, which consent must be certified in writing to the State Superintendent of Education."

And on motion of Mr. Thomas, the bill, S. 87, and pending substitute were indefinitely postponed by the Senate.

The bill:

S. 68. To amend sub-section 13 of Section 303 of the Code of Alabama of 1923.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Browder	Locke	Russell	Taylor
Carlton	Mixon	St. John	Thomas
Chesnut	McConnell	Simpson	Tucker
Dorsey	Parrish	Starnes	Walden
Frazer	Riddle	Stephens	Walton
Kuykendall	Rogers	Swift	Wellborn

—24

Nays:—None.

The bill:

S. 67. To amend sub-section 11 of Section 303 of the Code of Alabama of 1923.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Locke	Russell	Taylor
Carlton	Mixon	St. John	Thomas
Chesnut	McConnell	Simpson	Tucker
Cook	McDowell	Starnes	Walden
Dorsey	Parrish	Stephens	Walton
Frazer	Riddle	Swift	Wellborn
Kuykendall	Rogers		

—26

Nays:—None.

The bill:

S. 80. To amend the caption and Sections 2, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16 and 18 and to repeal Sections 21, 22 and 23 of an Act entitled, "An Act to establish a more humane system for caring for the needy aged in the State of Alabama and the several counties thereof by providing for old age pensions; to define the persons entitled thereto, and to provide for the ascertainment and determination of the qualifications of applicants therefor; to further provide for and regulate the payment of pensions under Article I of Chapter 55 of the Code of Alabama of 1923, as amended; to provide for the payment thereof; to make an appropriation for the same; to provide for a lien on the property of certain recipients of old age pensions and to provide for the enforcement thereof, to provide for the administration of such system and to define offenses against this Act and to fix punishment for such

offenses; and to provide for cooperation with the Government of the United States and its agencies in caring for the needy aged; and to repeal all laws in conflict herewith," approved September 14, 1935.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 25; Nays, 1.

Yeas:

Messrs.:

Browder	Mixon	St. John	Thomas
Carlton	Mooneyham	Simpson	Tucker
Chesnut	McConnell	Starnes	Walden
Dorsey	Parrish	Stephens	Walton
Kelly	Riddle	Swift	Wellborn
Kuykendall	Russell	Taylor	Woodall
Locke			

—25

Nay: Mr. Frazer

— 1

The bill:

S. 81. To repeal an Act entitled, "An Act to amend an Act to establish a more humane system for caring for the needy aged in the State of Alabama and the several counties thereof by providing for old age pensions; to define the persons entitled thereto, and to provide for the ascertainment and determination of the qualifications of applicants therefor; to further provide for and regulate the payment of pensions under Article 1 of Chapter 55 of the Code of Alabama of 1923, as amended; to provide for the payment thereof; to make an appropriation for the same; to provide for a lien on the property of certain recipients of old age pensions and to provide for the enforcement thereof, to provide for the administration of such system and to define offenses against this Act and to fix punishment for such offenses; and to provide for cooperation with the Government of the United States and its agencies in caring for the needy aged; and to repeal all laws in conflict herewith. Approved April 21, 1936."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Mixon	St. John	Thomas
Carlton	Mooneyham	Simpson	Tucker
Chesnut	McConnell	Starnes	Walden
Cook	McDowell	Stephens	Walton
Dorsey	Parrish	Swift	Wellborn
Kuykendall	Riddle	Taylor	Woodall
Locke	Russell		

—26

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Buffington:

H. 321. To amend a local act of the Legislature of Alabama for St. Clair County, approved June 6, 1931, by amending Section 4 thereof so as to allow the County Superintendent of Education travel expenses incident to the duties of his office, not to exceed the sum of Twelve Hundred Dollars per annum.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

A bill will be introduced at the present special session of the Legislature of Alabama, and its passage sought, which shall be substantially as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend a local act of the Legislature of Alabama for St. Clair County, approved June 6, 1931, by amending Section 4 thereof so as to allow the County Superintendent of Education travel expenses incident to the duties of his office, not to exceed the sum of Twelve Hundred Dollars per annum.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA.

That Section 4 of the Local Acts of 1931, page 97, be amended so as to read as follows: Such County Superintendent of Education shall devote his entire time to the public school business of St. Clair County and shall receive such compensation as the County Board of Education shall fix, which shall not be less than fifteen hundred dollars nor more than twenty-four hundred dollars annually, and shall be paid at the time and in the manner provided by the general laws of the State for the payment of salaries for County Superintendents of Education. That the Board of Education of St. Clair County may allow the County Superintendent of Education traveling expenses incident to the duties of his office, not to exceed the sum of Twelve Hundred Dollars per annum.

The manner and amount of payment shall be determined by the County Board by a resolution entered on the Minute Book of the County Board of Education.

All laws in conflict with this act are hereby repealed.

This Act shall take effect upon passage and approval by the Governor.

Ashville, Ala., Jan. 25, 1937.

I, B. B. Cather, Editor of the Southern Aegis, a newspaper published at Ashville, St. Clair County, Alabama, hereby certify that the attached Bill

was run in the Southern Aegis on the following dates: Jan. 1, Jan. 8, Jan. 15 and Jan. 22.

B. B. Cather,
Editor.

The above B. B. Cather appeared before me this 25 day of Jan. 1937 and made affidavit that the above is a true and correct statement.
(Seal)

OSCAR McCAIN,
Notary of Public.

Also:

By Mr. Taylor:

H. 295. To provide that in all counties in Alabama having a population of not less than one hundred ten thousand (110,000) and not more than two hundred (200,000) thousand, the judge or judges of the Circuit Court of said counties, shall be furnished on his or their requisition to the Board of Revenue and Road Commissioners of such counties, and payable out of the county treasury, all necessary books, stationery, typewriters, postage and other necessary office equipment and expenses.

Also:

By Mr. Taylor:

H. 294. To require all incorporated towns or cities in counties which may now or hereafter have a population of not less than 100,000 and not more than 300,000 according to the last or any succeeding federal census, to pay such county the reasonable cost of maintaining all persons at the county poor asylum or county detention homes who were residents of any such town or city at the time of their entrance therein; and to provide the method of accounting and payment therefor.

Also:

By Mr. Buffington:

H. 322. To provide for the election of a County Superintendent of Education for St. Clair County; Alabama by the qualified electors thereof, to fix the term of office, to prescribe the duties and qualifications, to fix the salary and expense allowance, to outline the duties and powers, vacancies and how filled, when Act to take affect.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

A Bill will be introduced at the present special session of the Legislature of Alabama, and its passage sought, which shall be substantially as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide for the election of a County Superintendent of Education for St. Clair County; Alabama by the qualified electors thereof, to fix the term of office, to prescribe the duties and qualifications, to fix the salary and expense allowance, to outline the duties and powers, vacancies and how filled, when Act to take effect.

Section 1. That at the general election to be held in the State of Alabama during the month of November in the year 1942, and every four years thereafter, a County Superintendent of Education for St. Clair County, Alabama, shall be elected by the qualified voters of St. Clair, County.

Section 2. That the County Superintendent assuming the duties of office of County Superintendent of Education July 1, 1938 shall hold office until January 1, 1943, or until his successor is elected and qualified. The Superintendent elected in 1942 shall assume duties of office January 1, 1943 and shall hold office for a period of four years or until his successor is elected and qualified.

Section 3. That no person shall be eligible for political party nomination, or for election to the office of County Superintendent of Education for St. Clair County, Alabama, who is not a qualified elector of said County at the time of nomination and election to said office; who does not hold an Alabama certificate in administration and supervision based upon graduation in an approved course from a standard college or university, and proof of three years of successful teaching experience.

Section 4. That the salary of the County Superintendent of Education shall be \$3,000.00 per annum, and he shall be allowed for traveling expenses a sum set by the County Board of Education which shall not exceed \$600.00 per annum. Said salary and expense shall be paid in the same way and manner as is provided by the general laws of the State of Alabama for the payment of County Superintendents of Education in the several counties of the State of Alabama.

Section 5. That the County Superintendent of Education of St. Clair County, Alabama, shall be charged with the same duties, and shall exercise the same powers as are now provided by the General School Laws of the State of Alabama, or may hereafter be required by law.

Section 6. That in the event the office of County Superintendent of Education of St. Clair County becomes vacant for any cause, the County Board of Education shall appoint a person to serve the unexpired time.

Section 7. That this Act shall take effect July 1, 1938.

Section 8. That all laws or parts of laws in conflict with the provisions of this Act in so far as they relate to St. Clair County, be and the same are hereby repealed.

Ashville, Ala., Jan. 25. 1937.

1, B. B. Cather, Editor of the Southern AEagis, a newspaper published at Ashville, St. Clair County, Alabama, hereby certify that the attached Bill was run in the Southern AEagis on the following dates: Jan. 1, Jan. 8, Jan. 15 and Jan. 22.

B. B. Cather,
Editor.

The above B. B. Cather appeared before me this 25 day of Jan. 1937 and made affidavit that the above is a true and correct statement.

(Seal) Oscar McCain,
Notary of Public.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read one time at length and referred to appropriate Standing Committees as follows:

House Bills 321, 295, 294, 322—To the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the report of the Committee of Conference on the disagreement of the two Houses on the Senate amendment to the following House bill:

By Mr. Petrey:

H. 123. To authorize and empower the County School Board of Crenshaw County, Alabama, to allow and pay to the County Superintendent of Education a reasonable expense account used in connection with his office.

Said Conference Report being in words and figures as follows:

REPORT OF COMMITTEE ON CONFERENCE

TO THE SENATE,
TO THE HOUSE OF REPRESENTATIVES,

We, your Committee on Conference appointed to consider the difference between the two houses on House Bill 123, beg leave to report as follows:

We recommend that House Bill 123 as passed by the Senate be amended by inserting in lieu of the words, "two hundred dollars per annum", the words, "six hundred dollars per annum".

(Signed) D. HARDY RIDDLE,
O. D. CARLTON,
Conferees on the part of the Senate
WALTER L. PETREY,
N. D. DENSON,
W. C. BRASWELL,

Conferees on the part of the House.

And said Bill, H. 123, as amended by the Report of Committee of Conference was again read a third time at length and passed.

And said Bill, 123, together with the Report of Committee of Conference, is herewith sent to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Riddle, the Senate concurred in and adopted the Report of the Committee of Conference on the disagreement of the two Houses on the Senate amendment to H. 123, the titles of which and said Conference Report, is set out in the foregoing Message from the House.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Browder	Kuykendall	Rogers	Taylor
Carlton	Mooneyham	Russell	Tucker
Chesnut	McConnell	St. John	Walden
Dorsey	McDowell	Simpson	Walton
Frazer	Richardson	Stoddard	Woodall
Kelly	Riddle	Swift	

—23

Nays:—None.

And said bill, as thus amended by the Conference Report, was again read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Browder	Kuykendall	Rogers	Taylor
Carlton	Mooneyham	Russell	Tucker
Chesnut	McConnell	St. John	Walden
Dorsey	McDowell	Simpson	Walton
Frazer	Richardson	Stoddard	Woodall
Kelly	Riddle	Swift	

—23

Nays:—None.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revisions of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Twentieth Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the Twentieth Legislative day approved by the Senate.

ADJOURNMENT

At 5:30 P. M., on motion of Mr. Mooneyham and in accordance with Joint Resolution heretofore adopted, the Senate adjourned until tomorrow morning at 10 o'clock.

 TWENTY-FIRST DAY

Friday, February 5th, 1937.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The Session was opened with prayer by Rev. H. G. Earnest, Doorkeeper of the Senate.

ROLL CALL

Present:

Messrs.:

Bonner	Kelly	Riddle	Thomas
Browder	Kuykendall	Russell	Tucker
Carlton	Locke	St. John	Walden
Chesnut	Mixon	Simpson	Walton
Cook	Mooneyham	Starnes	Weaver
Dorsey	McConnell	Stephens	Wellborn
Frazer	McDowell	Swift	Woodall
Goldsmith	Parrish	Taylor	

—31

JOURNAL

On motion of Mr. Mooneyham the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 34. To amend Sections 338 and 344 of an act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

Also:

H. 123. To authorize and empower the County School Board of Crenshaw County, Alabama, to allow and pay to the County Superintendent of Education a reasonable expense account used in connection with his office.

Also:

H. 224. To provide for an election to submit to the qualified electors of Morgan County, Alabama, for their approval or rejection a proposal to issue bonds in an amount not exceeding \$115,000.00 for the purpose of acquiring and paying for additional real property (Block 387 according to plan of Decatur, Alabama) adjoining that where the court house and jail now set, and for the constructing and equipping of a jail building for said county and to levy and collect taxes on all taxable property in said county at a rate not exceeding one mill to provide a fund for the payment of said indebtedness and interest thereon, and to provide for the issuance of said bonds and the levy of said tax over a period not exceeding fifteen years in the event the said proposal is approved by the majority voting in said election; and to provide for the construction and equipping of said jail building.

Also:

H. 252. To designate the time, each year, when the Board of Registrars shall sit for the purpose of registering voters, in all counties having a population of not less than 75,000 nor more than 100,000 population according to the last or any succeeding Federal census; to provide that said sessions shall be in lieu of all other sessions now authorized by law and to repeal all laws or parts of laws in conflict herewith.

Also:

H. 257. To provide for the election of members of the Board of Education of Marion County, and the time and manner thereof and the time and manner of the election and selection of the successors to the present board shall be elected by the qualified electors of each of the subdivisions of said county herein designated and described; and to provide for their terms of office and to provide for the duties of powers of the said Board of Education, and for the compensation and qualification of members thereof.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Weaver:

- S. 140. To amend Section 989 of the Code of Alabama of 1923.
Committee on Forestry & Conservation.

By Mr. Riddle:

- S. 141. To appropriate from the General Fund of the State the sum of \$6,500.00, or so much thereof as may be needed, to pay removal bills of prisoners because of insufficient appropriation for this purpose.

Committee on Finance & Taxation.

REPORTS OF COMMITTEES

Mr. Simpson, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Riddle (with substitute):

- S. 117. To require the circuit judges of the state of Alabama and the court reporters to provide free of charge transcripts of testimony in all capital cases tried before them and employ counsel for such defendant when in the opinion of the trial court the defendant is without means to purchase such transcript or employ such attorney and to provide for the taxing of said fee as cost in the case.

By Mr. Castleberry:

- H. 35. To amend An Act, entitled "An Act to provide that if, under the terms of an annuity contract or policy of life insurance, or under any written agreement supplemental thereto, issued by any life insurance company, the proceeds, or any part thereof, are

retained by such company at maturity, or otherwise, permission is expressly withheld by the terms of such contract, policy or supplemental agreement, no person entitled to any part of such proceeds, or installments of interest due, or to become due thereon, shall be permitted to commute, anticipate, encumber, alienate or assign the same, or any part thereof, and that no such payment shall be in any way subject to such person's debts, contracts, or engagements, nor to any judicial process to levy upon or attach the same; and to provide, further, that no such company shall be required to segregate such funds, but may hold them as a part of its general corporate funds," approved August 9, 1935, so as to further provide and regulate the exemption from legal process to enforce any debt or liability of the proceeds of policies which mature on account of disability except for premiums payable on such policy or lawful assignment of same.

Mr. Frazer, Chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Kelly:

S. 119. To amend Section 5024 of the Code of 1923.

By Mr. Simpson:

S. 115. To amend Section 9638 of the Code of Alabama of 1923.

By Mr. Locke:

S. 139. To amend Section 9997 of the Code of Alabama of 1923.

By Mr. Starnes (with amendment):

S. 133. To amend Section 3500 of the Code of Alabama of 1923.

By Mr. Dorsey:

S. 138. To amend Section 2377, Code of Alabama, 1923, as amended by Act No. 65, Acts of the Extra Session, 1933, page 55, and by Act of the Legislation of 1935, General Acts 1935, page 878.

Mr. McDowell, Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Stephens:

S. 131. To propose an amendment to Section 49 of Article IV

of the Constitution of Alabama and, to provide for the submission of the proposed amendment to the qualified electors of the State on the first Tuesday following the expiration of three (3) months after the final adjournment of this session of the Legislature.

The above bill was read a second time at length as required by the Constitution.

By Mr. Stephens:

S. 130. To propose an amendment to Section 48 of Article IV of the Constitution of Alabama and, to provide for the submission of the proposed amendment to the qualified electors of the State on the first Tuesday following the expiration of three (3) months after the final adjournment of this session of the Legislature.

The above bill was read a second time at length as required by the Constitution.

Mr. Russell, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. DeVane:

H. 153. To authorize the payment of the members of the Court of County Commissioners of Choctaw County, Alabama, the sum of \$75.00 per month each out of the Excise Gasoline Tax Fund of the County for supervising the building and or maintaining public roads and or bridges in the county.

By Mr. Moore:

H. 222. To provide for the compensation of members of the Board of County Commissioners of Bibb County out of the Gasoline Excise Tax Fund.

By Mr. Walton:

S. 111. To amend Section 5 of an Act entitled "An Act to amend an Act entitled, 'An Act to provide for the General Revenue of the State of Alabama, approved July 10, 1935,' by adding Schedule 155.4A and Schedule 155.4B to Section 348 of said Act, approved December 17, 1936."

By Mr. Walton:

S. 113. To amend Section 5 of an Act entitled "An Act to amend an Act entitled, 'An Act to provide for the General Revenue of the State of Alabama, Approved July 10, 1935,' by adding Schedule 155.4A and Schedule 155.4B to Section 348 of said Act, Approved December 17, 1936."

By Mr. Walton:

S. 137. To amend Section 5 of an Act entitled, "An Act to amend an Act entitled, 'An Act to provide for the General Revenue of the State of Alabama, Approved July 10, 1935,' by adding Schedule 155.4A and Schedule 155.4B to Section 348 of said Act," Approved December 17, 1936."

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Merrill:

H. 225. To provide for the designation of Banks as custodians of County Funds in counties having a population of less than 15,000 according to the last or any subsequent Federal census, and to prescribe regulations for such custodians of County Funds, and to prescribe when this act shall go into effect.

By Mr. Owen (Etowah):

H. 305. To require the registration of all claims against the Fine and Forfeiture Fund of Etowah County, and prohibit the payment of claims not filed within the time provided by this act.

By Mr. St. John:

S. 134. To authorize and empower Boards of Education in all Counties in the State of Alabama with a population of not less than 26,930, nor more than 27,100, according to the last or any subsequent Federal Census, where the maximum salary of the Superintendent of Education is prescribed by law, to fix, approve, and authorize the payment of the traveling expenses incurred by such Superintendent in the performance of his official duties within the County and the expenses incurred by him when his official duties require him to go outside of the County; to require such Superintendents of Education to prepare and file on forms to be prescribed by the State Board of Education a certified itemized statement of the expenses incurred; and to provide that the payment of the expenses hereby authorized shall not constitute a part of the official salary of such Superintendents.

By Mr. Simpson:

S. 135. To amend Section 3770 of the 1923 Code of Alabama.

By Mr. Rogers:

S. 136. To provide for an increase in the salaries of firemen and policemen in incorporated cities of the State of Alabama now or hereafter subject to or governed by a commission created or elected under and by authority of the General Act of Alabama of

1911 page 330 by setting aside or appropriating for such purposes one-third of the monies, or so much thereof as may be required, derived by each such City under the terms of the Alcoholic Beverage Control Act of this state, and to fix the method by which the salaries of policemen and firemen may be increased.

Mr. Stephens, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Dorsey (with amendment):

S. 61. To provide for the payment of the part of the educational appropriations to the public schools, to the institutions of higher learning, and to the educational services and agencies under the control of the State Board of Education for the year 1935-36, which part was unpaid due to proration under the State Budget Act.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, with his objections and proposed amendments to the bill:

By Mr. Lusk:

H. 126. To amend Section 8280 of the Code of Alabama.

Said Governor's Message containing the proposed amendment being in words and figures as follows, to-wit:

"To The House of Representatives,
Montgomery, Alabama.

Gentlemen:

I am returning to you, the Body in which it originated, House Bill No. 126, entitled, "An Act to amend Section 8280 of the Code of Alabama", without my approval.

In my judgment the way the bill is written it destroys the entire Section of the Code except the amended portion, which if left alone will be of no value.

I, therefore, suggest the following amendment:

Strike from said Bill Section 1 and in lieu thereof substitute the following as Section 1:

Section 1. That Section 8280 of the Code of Alabama be amended so as to read as follows: Section 8280. WHEN CIRCUIT COURT IN EQUITY MAY RELIEVE FROM DISABILITIES OF NON-AGE.—The several circuit courts in equity of the State in term time or in vacation, are authorized to relieve minors over eighteen years of age, from the disabilities of non-age, in the following cases, and none other:

1. Whenever the father, or the mother, of such minor, shall petition the court in writing, praying that such minor be relieved from the disabilities of non-age, and the court shall be satisfied that it is to the best interest of such minor. The parent filing such petition shall aver whether he is the guardian of such minor.

2. Whenever any such minor, having no father, mother, or guardian, or if a parent be living but is insane, or has abandoned such minor for one year, and such minor shall petition the court to be relieved of the disabilities of non-age, and the court shall be satisfied that it is to the interest of such minor.

3. Whenever such minor, having no father or mother, or if a parent be living but is insane, or has abandoned such minor for one year but having a guardian, shall petition the Circuit Court in Equity to be relieved from the disabilities and the guardian shall join in such petition and the court shall be satisfied that it is to the interest of such minor.

The adoption of this amendment will remove my objection to the Bill.

Respectfully,

(Signed) Bibb Graves.

Governor.

February 4, 1937."

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to said bill, H. 126, by a vote of a majority of the whole number elected to the House, said vote being: Yeas, 70; Nays, 0.

And said bill, H. 126, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House; said vote being: Yeas, 70; Nays, 0.

And said bill, together with the Governor's message, containing the proposed amendment, is herewith sent to the Senate for its consideration.

E. F. Taylor,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Starnes, the Senate concurred in the amendment by His Excellency, the Governor, to H. 126, the title of which and said proposed amendment is set out in the foregoing Message from the House.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Parrish	Thomas
Browder	Kuykendall	Riddle	Tucker
Carlton	Locke	Russell	Walden
Chesnut	Mixon	Starnes	Walton
Cook	Mooneyham	Stephens	Weaver
Dorsey	McConnell	Swift	Wellborn
Frazer	McDowell	Taylor	Woodall
Goldsmith			

Nays:—None.

Which was a majority of the whole number elected to the Senate.

And said bill, as thus amended, was again read a third time at length and passed.

Yeas, 31; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Thomas
Browder	Kuykendall	Russell	Tucker
Carlton	Locke	St. John	Walden
Chesnut	Mixon	Simpson	Walton
Cook	Mooneyham	Starnes	Weaver
Dorsey	McConnell	Stephens	Wellborn
Frazer	McDowell	Swift	Woodall
Goldsmith	Parrish	Taylor	

—31

Nays:—None.

Which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from his Excellency, the Governor, with his objections and proposed amendment to the following bill:

By Mr. Todd:

H. 42. To amend Schedule 158.5 of Chapter 6, Article 13, of an act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

Said Governor's message containing the proposed amendment being in words and figures as follows, to-wit:

To the House of Representatives,
Montgomery, Alabama.
Gentlemen:

I am returning to you, the body in which it originated, without my approval, House Bill No. 42, entitled, "An Act to amend Schedule 158.5 of Chapter 6, Article 13, of an Act entitled 'An Act to provide for the general revenue of the State of Alabama,'" approved July 10, 1935.

I suggest the following amendments:

Insert just after the words "provided however" where they first occur in said Bill, the following words, "except for trucks purchased prior to November 15th of any tax year".

Amend the Bill further by striking out the words where they last occur in Section 1: "provided further that the purchaser of a motor truck shall have three days of grace from the date of purchase to purchase the license called for hereunder and shall not be subject to any penalty during said three days period", and substitute therefor the following words:

"provided further, that the purchaser of a motor truck purchased after November 15 of any tax year shall have such time to purchase the license called for hereunder as may be prescribed by rules and regulations affecting the purchase of said license promulgated by the State Tax Commission."

The adoption of these amendments will remove my objection to the Bill.

Respectfully,
(Signed) Bibb Graves.
Governor.

February 4, 1937.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to said bill, H. 42, by a vote of a majority of the whole number elected to the House, said vote being: Yeas, 74; Nays, 0.

And said bill, H. 42, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a majority of the whole number elected to the House, said vote being: Yeas, 74; Nays, 0.

And said bill, together with the Governor's Message, containing the proposed amendment, is herewith sent to the Senate for its consideration.

E. F. Taylor,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Tucker, the Senate concurred in the amendment by His Excellency, the Governor, to H. 42, the title of which and said proposed amendment are set out in the foregoing Message from the House.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Riddle	Thomas
Browder	Locke	Russell	Tucker
Carlton	Mixon	Simpson	Walden
Chesnut	Mooneyham	Starnes	Walton
Cook	McConnell	Stephens	Weaver
Dorsey	McDowell	Swift	Wellborn
Frazer	Parrish	Taylor	Woodall
Kelly			

—29

Nays:—None.

Which was a majority of the whole number elected to the Senate.

And said bill, as thus amended, was again read a third time at length and passed.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Parrish	Thomas
Browder	Kuykendall	Riddle	Tucker
Carlton	Locke	Russell	Walden
Chesnut	Mixon	Simpson	Walton
Cook	Mooneyham	Starnes	Weaver
Dorsey	McConnell	Stephens	Wellborn
Frazer	McDowell	Taylor	

—27

Nays:—None.

Which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the report of the Committee of Conference on the disagreement of the two Houses on the Senate amendment to the following House bill:

H. 112. To propose an amendment to the Constitution of Alabama to be known as Article _____ providing that all proceeds derived from any State excise, privilege, or license taxes on the disposition of gasoline, other liquid motor fuels, or substitutes therefor and any State excise or license taxes on motor vehicles or trailers or on motor vehicle owners or operators for the operation of such motor vehicles shall, except for necessary cost of collection and administration, be apportioned and used solely and exclusively for construction, reconstruction, maintenance, supervision, and repair of public roads, highways, streets, and bridges within the State; for interest and retirement of loans or obligations incurred in connection with such functions and shall not be diverted by transfer of funds or otherwise to any other purpose.

Said Conference Report being in words and figures as follows:

We, the undersigned members of your Conference Committee, recommend that the Senate recede from its amendment to House Bill No. 112 and that the House and Senate adopt the following substitute:

A BILL

TO BE ENTITLED

AN ACT

To propose an amendment to the Constitution of Alabama to be known as Article _____ providing that all proceeds derived from any State excise, privilege, or license taxes on the sale or other disposition of lubricating oil, gasoline, other liquid motor fuels, or substitutes therefor and any

State excise or license taxes on motor vehicles or trailers or on motor vehicle owners or operators, except revenue derived from drivers license fees, for the operation of such motor vehicles shall, except for necessary cost of collection and administration, be apportioned and used solely and exclusively for construction, reconstruction, maintenance, supervision, and repair of public roads, highways, streets, and bridges within the State; for interest and retirement of loans or obligations incurred in connection with such functions and shall not be diverted by transfer of funds or otherwise to any other purpose.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed and an election is hereby ordered by the qualified voters of the State of Alabama upon the proposed amendment and the day hereby appointed for such election is the day of the next general election held in the State of Alabama more than three months after the adjournment of this Special Session of the Legislature at which this amendment is proposed, said proposed amendment being as follows: Article_____, After the adoption of this amendment all proceeds derived from any State excise, privilege or license taxes, on the sale or other disposition of lubricating oil, gasoline, other liquid motor fuels, or substitutes therefor, and any State excise or license taxes on motor vehicles or trailers or on motor vehicle owners or operators, except revenue derived from drivers license fees, for the operation of such motor vehicles shall, except for necessary cost of collection and administration, be apportioned, and used solely and exclusively for construction, reconstruction, maintenance, supervision and repair of public roads, highways, streets, and bridges within the State; for interest and retirement of loans or obligations incurred in connection with such functions, and shall not be diverted by transfer of funds or otherwise, to any other purpose.

Section 2. Notice of the election hereby ordered together with the amendment hereby proposed shall be given by proclamation of the Governor which shall be published in one newspaper in each county of the State once a week for four consecutive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided the qualified electors shall vote on such proposed amendment and on the official ballot provided for such election there shall be printed or partly printed and partly written the following: Shall the following be adopted as an amendment to the Constitution of Alabama: Article_____, After the adoption of this amendment all proceeds derived from any State excise, privilege, or license taxes on the sale or other disposition of lubricating oil, gasoline, other liquid motor fuels, or substitutes therefor, and any State excise, or license taxes on motor vehicles or trailers or on motor vehicle owners, or operators, except revenue derived from drivers license fees, for the operation of such motor vehicle shall, except for necessary cost of collection and administration, be apportioned and used solely and exclusively for construction, reconstruction, maintenance, supervision and repair of public roads, highways, streets, and bridges within the State; for interest and retirement of loans or obligations incurred in connection with such functions, and shall not be diverted by transfer of funds or otherwise, to any other purpose (YES_____) (NO_____).

Section 4. The officers to hold the said election shall be the same officers who are appointed and shall hold the general election held on the date on which said amendment is to be voted on and the election with respect to said amendment shall be conducted in all respects as provided by law for general elections held in the State of Alabama.

Section 5. The votes cast in such election shall be canvassed, tabulated, and returns thereof be made to the Secretary of State and counted in the

same manner as in elections for representatives to the Legislature and if it shall thereupon appear that a majority of the qualified electors who voted in such election upon the proposed constitutional amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the constitution of the State of Alabama. The result of such election shall be known by a proclamation of the Governor.

W. S. Welch
L. H. Ellis
John Almon, Jr.
Conferees on Part of House
W. C. Woodall
E. P. Russell
D. A. Walden
Conferees on Part of Senate.

And said bill, H. 112, as amended by the Report of Committee of Conference was again read a third time at length and passed.

And said bill, H. 112, together with the Report of Committee of Conference, is herewith sent to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Woodall, the Senate concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 112, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas, 28; Nays, 3.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Taylor
Browder	Kuykendall	Russell	Thomas
Carlton	Locke	St. John	Tucker
Chesnut	Mixon	Simpson	Walden
Dorsey	Mooneyham	Starnes	Weaver
Frazer	McConnell	Stephens	Wellborn
Goldsmith	McDowell	Swift	Woodall

—28

Nays: Messrs. Cook, Parrish and Watson.

—3

And said bill, as thus amended by the Conference Report, was again read a third time at length as required by the Constitution and passed.

Yeas, 25; Nays, 3.

Yeas:

Messrs.:

Bonner	Chesnut	Frazer	Locke
Carlton	Dorsey	Kuykendall	Mixon

Mooneyham	St. John	Swift	Walden
McConnell	Simpson	Taylor	Weaver
McDowell	Starnes	Thomas	Wellborn
Riddle	Stephens	Tucker	Woodall
Russell			

—25

Nays: Messrs.: Browder, Parrish and Walton

— 3

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Hamner:

H. 228. To amend Schedule 29 of Section 348 of Article XIII, Chapter 1, of an act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing Message from the House was read one time at length and referred to appropriate standing committee as follows:

H. 228—To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following:

By Messrs.: McDermott and Taylor:

H. J. R. 105. Whereas, Tuesday, February 9th, 1937, is a legal holiday known as Mardi Gras,

And Whereas, the City of Mobile is known and recognized as the Mother of Mystics in the celebration of the Festival Mardi Gras,

And Whereas the officials and citizens of the City of Mobile and the officers of the Mobile Carnival Association have gone to great length to insure the citizens of this State and out-side visitors a warm hospitality and a period of unrestrained enjoyment during the celebration of this Festival,

Now therefore, we, the Mobile County Legislative Delegation, do hereby extend to the Governor, the members of this Legislature

and the officers and employees of the State and of its several departments a most welcome invitation to come to Mobile and enjoy and celebrate Mardi Gras with us.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Tucker, the Rules were suspended and the resolution, H. J. R. 105, which is set out in the foregoing Message from the House, was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following:

By Messrs. McDermott and Taylor:

H. J. R. 106. Be it resolved by the House, the Senate concurring, that when the two Houses adjourn today, they adjourn to meet again on Wednesday, February 10th, 1937, at eleven o'clock a. m.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The Rules Committee offered the following substitute for the resolution, H. J. R. 106, the title of which is set out in the foregoing Message from the House, to-wit:

BE IT RESOLVED BY THE SENATE, the House concurring, that when the two houses adjourn today, they adjourn to meet again on Tuesday, February 9th, 1937 at 11 o'clock A. M.

Mr. Frazer moved that the Senate table the substitute offered by the Rules Committee, which motion was lost and the Senate refused to table said substitute.

Yeas, 5; Nays, 26.

Yeas: Messrs: Frazer, Goldsmith, Parrish, Riddle and Starnes

— 5

Nays:

Messrs.:

Bonner
Browder

Carlton
Chesnut

Cook
Dorsey

Kelly
Kuykendall

Locke	Russell	Taylor	Walton
Mixon	St. John	Thomas	Weaver
Mooneyham	Simpson	Tucker	Wellborn
McConnell	Stephens	Walden	Woodall
McDowell	Swift		

—26

And the substitute offered by the Rules Committee was then adopted.

And the resolution, H. J. R. 106, as thus amended, was then adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and sends same herewith to the Senate.

By Mr. Chichester:

H. 179. To further provide for the general revenue of the State of Alabama, and to repeal an Act entitled "To be entitled an Act to amend an Act entitled, 'An Act to provide for the general revenue of the State of Alabama, approved July 10, 1935' by adding Schedule 155.4A and Schedule 155.4B to Section 348 of said Act, approved December 17, 1936".

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read one time at length and referred to appropriate Standing Committee as follows:

H. 179—To the Committee on Finance and Taxation.

RESOLUTIONS

Mr. Dorsey offered the following resolution:

S. R. 38. BE IT RESOLVED by the Senate of Alabama that the deepest appreciation of the members of the Senate for the invitation to attend Mardi Gras be extended to the Splendid City of Mobile, and further that we express our regrets that we find that it is absolutely necessary for us to forego that pleasure and meet in legislative session on February the ninth.

And on motion of Mr. Frazer, the Rules were suspended and the resolution adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Denson:

H. 88. To amend an Act entitled "An Act To provide for the guardianship of incompetent veterans and of minor children of disabled or deceased veterans, and the commitment of veterans and to make uniform the law with reference thereto, and to repeal Sections 8120, 8121, 8123, 8124, 8125, 8126, 8127, 8128, 8129, 8130, 8131, 8132, 8133, 8134, of the Code of Alabama, 1923, and an Act entitled 'An Act to provide for the commitment of veterans of any war, military occupation or expedition, who are of unsound mind, to a United State Veterans' Bureau hospital for restraint, care and treatment,' approved September 6, 1927, and all other laws or parts of laws inconsistent with this act", approved by the Governor of Alabama June 6, 1931, and to further prescribe and define the duties of fiduciaries appointed pursuant to said act:

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing Message from the House was read one time at length and referred to appropriate Standing Committee as follows:

H. 88—To the Committee on Revision of Laws.

BILLS ON THIRD READING

The bill:

H. 293. To authorize the payment of the per diem and mileage of the members of the Court of County Commissioners of Marion County, Alabama, from the gasoline funds received by it from the State.

Was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the bill, to-wit:

A BILL

To be entitled an act to authorize the payment of the per diem of the members of the Court of County Commissioners of Marion

County, Alabama, from the gasoline funds received by it from the State.

Be it enacted by the Legislature of Alabama:

Section 1. That from and after the passed and approval of this Act, the per diem of the members of the Court of County Commissioners of Marion County, Alabama, while engaged in the performance of their duties in connection with the supervision, construction, maintenance and repair of the public roads and/or bridges of Marion County, Alabama, may be paid out of the gasoline excise tax levied by the State of Alabama, accruing to Marion County, Alabama.

Section 2. That all laws and parts of laws in conflict with the provisions of this Act be, and the same are hereby repealed.

Which was adopted.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Tucker
Browder	Kuykendall	Russell	Walden
Carlton	Mixon	St. John	Walton
Dorsey	Mooneyham	Simpson	Wellborn
Frazer	McConnell	Stephens	Woodall
Goldsmith	McDowell	Swift	

—23

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Tucker
Browder	Kuykendall	Russell	Walden
Carlton	Mixon	St. John	Walton
Dorsey	Mooneyham	Simpson	Wellborn
Frazer	McConnell	Stephens	Woodall
Goldsmith	McDowell	Swift	

—23

Nays:—None.

The bill:

H. 273. To amend Section 6 of an act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt, and for the public schools," approved September 6, 1935, Acts of 1935, page 792.

Was read a third time at length and passed.

Yeas, 21; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Russell	Taylor
Browder	Locke	St. John	Thomas
Carlton	Mixon	Simpson	Tucker
Chesnut	McDowell	Stephens	Walton
Dorsey	Riddle	Swift	Woodall
Kelly			

—21

Nays:—None.

SPECIAL ORDERS SET

On motion of Mr. Bonner, the bill:

S. 101. To define and prevent the abuse of the lawful right to strike in furtherance of a labor dispute or dispute as to wages or working conditions, to provide punishment and fix liability and prima facie responsibility therefor, and to provide remedies in respect thereof.

Was made a Special, Paramount and Continuing Order of Business on the Call of the Calendar immediately after consideration of S. B. 6, on the Twenty-second Legislative Day.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in the Senate amendment to the following House joint resolution:

By Messrs. McDermott and Taylor:

H. J. R. 106. Relative to the two Houses adjourning today to meet again Tuesday, February 9, 1937, at 11 A. M.

E. F. Taylor,
Clerk.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the twenty-first Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the twenty-first Legislative day approved by the Senate.

ADJOURNMENT

At 1:20 P. M., on motion of Mr. St. John and in accordance with joint resolution heretofore adopted, the Senate adjourned until Tuesday, Friday 9, 1937, at 11 o'clock.

TWENTY-SECOND DAY

Tuesday, February 9th, 1937.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The session was opened with prayer by Rev. H. G. Earnest, Doorkeeper of the Senate.

ROLL CALL

Present:

Messrs.:			
Bonner	Locke	St. John	Thomas
Browder	Mooneyham	Simpson	Tucker
Carlton	McConnell	Starnes	Walden
Chesnut	McDowell	Stephens	Walton
Cook	Parrish	Stoddard	Weaver
Dorsey	Riddle	Swift	Wellborn
Frazer	Russell	Taylor	Woodall
Kelly			

—29

JOURNAL

On motion of Mr. Walton the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 112. To propose an amendment to the Constitution of Alabama to be known as Article.....provdng that all proceeds derived from any State excise, privilege, or license taxes on the sale or other disposition of lubricating oil, gasoline, other liquid motor fuels, or substitutes therefor and any State excise or license taxes on motor vehicles or trailers or on motor vehicle owner or operators, except revenue derived from drivers license fees, for the operation of such motor vehicles shall, except for necessary cost of collection and administration, be apportioned and used solely and exclusively for construction, reconstruction, maintenance, supervision, and repair of public roads, highways, streets, and bridges within the State; for interest and retirement of loans or obligations incurred in connection with such functions and shall not be diverted by transfer of funds or otherwise to any other purpose.

Also:

H. 42. To amend Schedule 158.5 of Chapter 6, Article 13, of an act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

Also:

H. 126. To amend Section 8280 of the Code of Alabama.

Also:

H. 273. To amend Section 6 of an act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt, and for the public schools," approved September 6, 1935, Acts of 1935, page 792.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Walton:

S. 142. To amend Sections 10304 and 10306 of the Code of 1923.

Committee on Judiciary.

By Mr. Mooneyham:

S. 143. To amend the Title and Sections 12, 16, 17 and 18 of an Act entitled, "An Act relating to dependent, neglected or delinquent children in all counties of Alabama, which now have or which may hereafter have a population of not less than seventy-five thousand people and not more than one hundred thousand people according to the last Federal census or any such census that may be taken hereafter; to declare who are dependent, neglected or delinquent children, to declare that such children shall be wards of the State, to provide for their custody, discipline, supervision, care, protection, guardianship, and welfare; to create and establish in such counties Juvenile and Domestic Relations Courts and to provide for their equipment and maintenance; to create and confer upon such courts jurisdiction under the terms of this Act; to try and determine the question on dependency, neglect or delinquency of children in such counties; and when found to be such to adjudicate and determine all questions as to their guardianship, custody, supervision, discipline, care, control, protection and training, and generally to confer upon such court jurisdiction and power to try and determine all questions arising under the terms of this Act, or which may otherwise be referred to them by law for adjudication, or which may be necessary or convenient to the exercise of such jurisdiction or to carry out the purposes and intent of this Act; to provide for the trial and punishment of those who aid, abet, cause or connive at or contribute to the delinquency, neglect or dependency of such children; to provide and regulate the procedure in such cases; to confer power upon such courts to make rules and regulations; and to provide such forms when not otherwise provided for, under the terms of this Act as shall be found necessary or convenient to the exercise of its jurisdiction or for the conduct of probation officers or their work, as provided for in this Act; to provide for the taking and enforcing of recognizances and bonds and for the taking of appeals from the decisions of such court; to provide for the trial of any delinquent in a criminal court of competent jurisdiction who has shown himself or herself to be unamendable to the discipline provided for such delinquent as provided under the terms of this Act; and for the appointment of an Advisory Board to such court and to define the duties and powers of such court; to provide for the selection of the Judge and other Officers of such court and to define their powers and duties; and to provide for their compensation; to declare that should any part of this Act be found unconstitutional that it shall not effect the remainder thereof and to provide for the repeal of all laws in con-

flict with this Act." (Approved February 26, 1931, and as amended by an Act approved January 31, 1935).

Committee on Local Legislation.

REPORT OF COMMITTEE

Mr. Russell, Chairman of the Standing Committee on Finance & Taxation reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Chichester (with amendment):

H. 179. To further provide for the General Revenue of the State of Alabama, and to repeal an Act entitled, "To be entitled an Act to amend an Act entitled, 'An Act to provide for the general revenue of the State of Alabama, approved July 10, 1935' by adding Schedule 155.4A and Schedule 155.4B to Section 348 of said Act, approved December 17, 1936."

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in the Senate amendment to the following House bill:

By Mr. Hill:

H. 293. To authorize the payment of the per diem of the members of the Court of County Commissioners of Marion County, Alabama, from the gasoline funds received by it from the State.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Hill:

H. 330. To amend Schedule 106 of Section 348 of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10th, 1935.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing Message from the House was read one time at length and referred to appropriate standing committee as follows:

H. 330—To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Taylor:

H. 335. To provide for the relief of John H. Middleton and to require the Board of Revenue and Road Commissioners of Mobile County, Alabama to appropriate and the County Treasurer of Mobile County to pay to John H. Middleton the sum of \$300.00 for the destruction of a truck resulting from the negligence of employees of Mobile County.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that the following Bill in substance will be introduced for passage in the present Special Session of the Legislature of Alabama:

A BILL
TO BE ENTITLED
AN ACT

To provide for the relief of John H. Middleton and to require the Board of Revenue and Road Commissioners of Mobile County, Alabama, to appropriate and the County Treasurer of Mobile County to pay to John H. Middleton the sum of \$300.00 for the destruction of a truck resulting from the negligence of employees of Mobile County.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the Board of Revenue and Road Commissioners of Mobile County, Alabama, is hereby required to appropriate and the County Treasurer of Mobile County to pay the sum of \$300.00 to John H. Middleton as damages for the destruction of a truck which resulted from the negligence of employees of Mobile County who had failed to complete the rebuilding of a bridge on the county maintained highway between Mobile, Alabama, and Mississippi line and had failed to erect a warning sign so as to put the said John H. Middleton on notice of the dangerous condition of the highway.

STATE OF ALABAMA,
COUNTY OF MOBILE,
CITY OF MOBILE,

}

Personally appeared before me, Mary Ellen Schutz, a Notary Public in and for Mobile County, Alabama, Crawford F. Balch, who being first duly

sworn, states that he is business manager of THE MOBILE TIMES and that the annexed publication has been regularly made once a week for 4 consecutive weeks, to-wit: On Dec. 31, 1936, Jan. 7-14-21, 1937 respectively, of THE MOBILE TIMES, a newspaper printed and published in the City and County of Mobile, and State aforesaid.

Crawford F. Balch,
Business Manager.

Sworn to and Subscribed before me, this 1 day of Feb., A. D., 1937.

(Seal)

Mary Ellen Schutz,
Notary Public.

Also:

By Messrs. Propst and Johnston:

H. 325. To create and establish the Calhoun County Court; to define its jurisdiction and powers; to vest it with the powers and jurisdiction heretofore exercised by the Court of Common Pleas of Calhoun County; to provide for the transfer of the cases from the dockets of the Court of Common Pleas to the Calhoun County Court; to abolish the Court of Common Pleas; to abolish the office of justice of the peace in Precincts 15 and 20; to provide for the officers of said court, their powers, duties, tenure and compensation; to prescribe rules of procedure for said court; and to provide for the execution of the process of said court and the operation thereof.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that the Legislature of Alabama will be requested to pass at its present or adjourned session the following proposed bill:

AN ACT

To create and establish the Calhoun County Court; to define its jurisdiction and powers; to vest it with the powers and jurisdiction heretofore exercised by the Court of Common Pleas of Calhoun County; to provide for the transfer of the cases from the dockets of the Court of Common Pleas to the Calhoun County Court; to abolish the Court of Common Pleas; to abolish the office of justice of the peace in Precincts 15 and 20; to provide for the officers of said court, their powers, duties, tenure and compensation; to prescribe rules of procedure for said court; and to provide for the execution of the process of said court and the operation thereof.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That there is hereby created and established in and for the County of Calhoun, State of Alabama, a court, which shall be known and called "Calhoun County Court," which said court is hereby invested with and shall have and exercise in said County jurisdiction of all misdemeanors committed in said county, concurrent in such misdemeanor cases with the jurisdiction now conferred, or which may be conferred, by law upon the Circuit Court, and said court shall have preliminary jurisdiction of all felonies committed in said County and of bastardy and peace proceedings in

said county; and, in addition thereto, said court shall have and exercise original jurisdiction in all juvenile and non-support cases arising in said county under chapters 100 and 157, of the Code of Alabama of 1923, and amendments thereto, and shall have all of the powers therein conferred on the probate courts. Said court, except as otherwise provided, in exercising the jurisdiction and powers by this act conferred, shall in all criminal cases conform to and be governed by the rules of practice and procedure of the county courts of this state, and shall have the same authority as now conferred, or which may be conferred, by law upon the said county courts; provided that the Judge of this Court shall have the authority to adopt such rules of practice and procedure not inconsistent with this act as in his opinion are necessary for the proper dispatch of the business of the court.

In all civil cases, otherwise cognizable in justices of the peace courts, and arising in precincts 15 and 20 of said county, or when the defendants reside in said precincts, the said court shall have and exercise the exclusive authority, jurisdiction and powers which are now conferred, or which may be conferred, by law upon the justices of the peace, and in all other precincts of said county said court shall have concurrent jurisdiction with the respective justices of the peace.

The said Calhoun County Court shall be vested with all powers and jurisdiction heretofore exercised by the Court of Common pleas of Calhoun County, and said Court of Common Pleas is hereby abolished. All cases therein pending shall be and hereby are transferred to said Calhoun County Court for further prosecution, and shall be proceeded upon as if originally instituted in such Court.

Section 2. The present Judge of the Court of Common Pleas of Calhoun County shall be the Judge of the Calhoun County Court, and shall hold such office until his present term expires, and until his successor is elected and qualified. His successor shall take office on January first 1939, and shall be elected by the qualified voters of Calhoun County, Alabama, at the general election held for state and county offices in the year 1938, and at the general election every four years thereafter. The term of said offices shall be for four years. The Judge of said court shall have been a resident of Calhoun County, Alabama, for at least one year next preceding his election or appointment and a qualified elector, and shall be at least twenty-five years of age and learned in the law. All vacancies in the office of Judge of said Court shall be filled by appointments of the Governor of Alabama and the person so appointed shall hold his office as provided by the Constitution of Alabama. It shall be illegal for the said Judge to practice law in any manner in said Court, but said Court shall not be a court of record.

Section 3. The Judge of said Court shall receive a salary of twenty-four hundred dollars per annum payable monthly out of the County Treasury, upon his warrant drawn upon the County Treasurer. The Judge of said Court, before entering upon the duties of said office, shall take the oath of office in form required by law to be taken by the Judges of the Circuit Court of Alabama, and may be removed from office for the causes and in the manner now provided by law for the Judges of the Circuit Court of this State. The Judge of said Court may punish for contempt in cases where the Judges of the Circuit Court can punish for contempt, by a fine not exceeding twenty dollars and by imprisonment in the county jail not exceeding five days, one or both at the discretion of the said judge. The said Judge shall have the right to issue and sign in his name any process or other paper of said Court.

Section 4. The said Court shall have a clerk who shall be appointed by and hold office at the pleasure of the Judge of said Court. The clerk shall issue all process of said Court, keep a docket of the proceedings of said court, both civil and criminal, and certify all appeals and certioraries,

and his duties shall be generally those performed by clerks of the Circuit Courts. The clerk shall also have the authority and power to take affidavits and issue search warrants and warrants of arrest thereon, making the same returnable to the Judge of said Court. The fees and costs now allowed by law in civil cases to justices of the peace, constables, sheriffs and witnesses for services in the justices of the peace courts shall be taxed and collected as now provided by law in each civil case. In addition thereto, there shall be taxed and collected for the use of the County in each civil case docketed a trial fee of one dollar. In all criminal cases the fees and costs now authorized by law to be taxed in the County Courts of this State shall be taxed and collected in each criminal case tried or docketed in said Court. The said clerk shall be entitled to receive and retain as his compensation the clerk's fees collected in all criminal cases, and the amount of the justice's fees, other than the one dollar trial tax, collected in all civil cases. The said clerk shall give bond, with good and sufficient sureties thereon, in the penal sum of three thousand dollars, payable to the State of Alabama, and conditioned to faithfully discharge the duties of such office, which bond shall be approved by and filed in the office of the Judge of Probate of Calhoun County, Alabama, and which bond shall also be conditioned to pay all moneys to the proper authorities and persons to whom it is due and to faithfully account for all moneys coming into his hands by virtue of his office. The fees accruing to sheriffs, constables, witnesses and justices of the peace, when collected, shall be paid direct to those entitled to receive same; and all other fees and costs, except those the clerk is entitled to retain as his compensation, and all fines and forfeitures collected by the County shall be paid by the said clerk to the County Treasurer monthly. All fines and other moneys collected for the State of Alabama shall be paid by the said clerk to the State Treasurer monthly.

Section 5. The Sheriff and Constables of Calhoun County shall be the officers of said Court and shall execute all processes from said Court and make the due return thereof, and all processes of whatever kind of nature issued out of said Court shall be addressed to any lawful officer of Calhoun County. The Sheriff shall be required to attend, in person or by deputy, on said Court on the regular trial days of criminal cases, for which he shall be paid the sum of two dollars per day as now provided by law.

Section 6. In the event of sickness or necessary absence of the Judge of said Court the presiding Judge of the Circuit Court of Calhoun County shall appoint a special judge to hold Court during the absence of the regular Judge, whose compensation shall be at the same rate as herein provided for the regular Judge.

Section 7. It shall be the duty of the Deputy Solicitor for Calhoun County to prosecute in criminal cases in said Court, and the same Solicitor's fee shall be taxed in misdemeanor cases in said Court and in the same manner as is taxed for Circuit Solicitors in similar cases in the Circuit Courts of this State. All County Solicitor's fees, when collected, shall be paid into the County Treasury as other costs.

Section 8. It shall be the duty of the Board of Revenue of said County to provide a proper place for holding said Court and to provide for the necessary accommodation therefor, and to provide said Court with all necessary blanks, stationery, dockets, books, phone and other office materials that may be necessary for said Court.

Section 9. The rules and regulations governing justices of the peace courts shall apply as near as possible in all civil cases, and of the regular county courts in all criminal cases, except as herein otherwise stated. All parties against whom judgments have been rendered shall have ten days within which to effect appeals to the Circuit Court. No judgment by default in civil cases shall be rendered prior to twelve o'clock noon. Upon the rendition of a judgment by default in civil cases the clerk of said Court

shall ascertain as nearly as may be the postoffice address of the person against whom judgment is rendered, and shall immediately mail to said person a postal card, giving person notice that judgment was rendered against him on said date, giving the amounts of judgment, costs and the name of the parties and further notifying such person that his right to have said judgment set aside will expire within five days. Upon application being made within five days after such judgment, the Judge, in his discretion, may set aside such judgment.

Section 10. There shall be no justices of the peace or notary public with power of justices of the peace elected or appointed for precincts 15 and 20 of Calhoun County, and the office of justice of the peace for said precincts is hereby abolished.

Section 11. All laws, local or general, in conflict with the provisions of this Act are, in so far as they conflict with the provisions of this Act, hereby repealed.

Section 12. Should any part of this Act be held unconstitutional, it shall in no wise effect any other section or part thereof.

Section 13. This Act shall take effect immediately upon its approval by the Governor.

STATE OF ALABAMA, COUNTY OF CALHOUN,

Before me, Clara B. Wright, Notary Public in and for said state and county, personally appeared Lewis J. Raemon, Business Manager of The Anniston Star, a daily newspaper published in Anniston in said state and county, who, being duly sworn, deposes and says that the attached notice relative to an Act to Create Calhoun County Court was published in The Anniston Star on December 10, 17, 24 and 31, 1936.

Lewis J. Raemon.

Sworn to and subscribed before me this 23rd day of January, 1937.

(Seal) Clara B. Wright,
Notary Public.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing Message from the House were severally read one time at length and referred to appropriate standing committee as follows:

H. 335 and H. 325—To the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Chichester:

H. 135. To amend Section 47 of an act entitled, "An Act to provide for the general revenue of the State of Alabama", approved July 10th, 1935.

Also:

By Mr. Connor:

H. 129. To exempt from taxation lands in the purchase of which any municipality has invested, or may hereafter invest, money pursuant to the terms of a lease sale contract or option agreement.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing Message from the House were severally read one time at length and referred to appropriate standing committees as follows:

H. 135—To the Committee on Finance and Taxation.

H. 129—To the Committee on Revision of Laws.

RESOLUTIONS

The Rules Committee reported the following joint resolution:

S. J. R. 39. RESOLVED BY THE SENATE, the House concurring, that the Legislature adjourn today to meet again tomorrow, Feb. 10th, 1937, at 10 o'clock A.M.

Which was adopted.

RECESS

At 12:45 P.M., on motion of Mr. Riddle, the Senate took a recess until 4 o'clock this afternoon.

AFTERNOON SESSION—TWENTY-SECOND DAY

Tuesday, February 9th, 1937.

The Senate re-assembled at 4 P.M., Lieutenant-Governor Knight presiding.

ROLL CALL

Present:

Messrs.:			
Bonner	Locke	St. John	Thomas
Browder	Mooneyham	Simpson	Tucker
Carlton	McConnell	Starnes	Walden
Chesnut	McDowell	Stephens	Walton
Cook	Parrish	Stoddard	Weaver
Dorsey	Riddle	Swift	Wellborn
Frazer	Russell	Taylor	Woodall
Kelly			

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INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Simpson:

S. 144. To amend Section 7 of an act entitled "An Act to abolish the Board of Revenue or Commissioners Courts in all counties of this State having a population of 300,000 inhabitants or more according to the last or any subsequent Federal census and to establish in such counties a County Commission; to provide for the election of the members of said Commission, to fix the term of office, to define the powers and duties of such Commission and to fix the compensation of the members thereof." Approved June 16, 1931.

Committee on Local Legislation.

By Mr. Woodall:

S. 145. To amend Section 4548 of the 1923 Code of Alabama.
Committee on Revision of Laws.

REPORTS OF COMMITTEES

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Buffington:

H. 321. To amend a local act of the Legislature of Alabama for St. Clair County, approved June 6, 1931, by amending Section 4 thereof so as to allow the County Superintendent of Education travel expenses incident to the duties of his office, not to exceed the sum of Twelve Hundred Dollars per annum.

By Mr. Buffington:

H. 322. To provide for the election of a County Superintendent of Education for St. Clair County, Alabama by the qualified electors thereof, to fix the term of office, to prescribe the duties and qualifications, to fix the salary and expense allowance, to outline the duties and powers, vacancies and how filled, when Act to take effect.

Mr. Weaver, Chairman of the Standing Committee on Forestry & Conservation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with out recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Weaver:

S. 140. To amend Section 989 of the Code of Alabama of 1923.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Goodwyn:

H. 348. To ratify, affirm and validate the existence of all boards of education and like bodies in this State and the terms of office of all members and officers thereof, to confer and impose upon such boards or bodies all powers, functions and duties conferred or imposed by law on boards of education and to ratify, affirm and validate all acts, contracts, agreements and resolutions of such boards or bodies relating to refunding warrants.

Also:

By Mr. Goodwyn:

H. 347. To confer additional authority upon Boards of Education for the issue of refunding warrants.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read one time at length and referred to appropriate standing committee as follows:

H. 348 and H. 347—To the Committee on Education.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following:

By Rules Committee:

S. J. R. 39. Relative to two Houses adjourning today to meet again on Wednesday, February 10, 1937, at 10 A.M.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Chichester:

H. 57. To amend Sections 4601 and 4602 of the Code of Alabama of 1923.

Also:

By Mr. Chichester:

H. 58. To amend Sections 8379, 8380 and 8382 of the Code of Alabama of 1923.

Also:

By Mr. Arnold:

H. 167. To amend Schedule 158.21 of Article XIII, Chapter 6 of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing Message from the House were severally read one time at length and referred to appropriate standing committees as follows:

H. 57 and H. 58—To the Committee on Insurance.

H. 167—To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Calhoun:

H. 343. To authorize and empower Boards of Education in all Counties in the State of Alabama with a population of not less than 45,300, nor more than 46,100, according to the last or any subsequent Federal Census, where the maximum salary of the Superintendent of Education is prescribed by law, to fix approve, and authorize the payment of the traveling expenses incurred by such Superintendent in the performance of his official duties within the County and the expenses incurred by him when his official duties require him to go outside the County; to require such Superintendents of Education to prepare and file on forms to be prescribed by the State Board of Education a certified itemized statement of the expenses incurred; and to provide that the payment of the expenses hereby authorized shall not constitute a part of the official salary of such Superintendents.

Also:

By Mr. Hodges:

H. 317. To authorize the payment of the per diem and mileage of the members of the Court of County Commissioners of Fayette County, Alabama out of the excise gas tax fund of the county when engaged in inspecting, accepting, building, repairing or maintaining public roads or bridges in said county; and to repeal all laws and parts of laws, general, special, private and local in conflict with the provisions of this Act.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL TO BE ENTITLED AN ACT

To authorize the payment of the per diem and mileage of the members of the Court of County Commissioners of Fayette Co., Alabama out of the excise gas tax fund of the county when engaged in inspecting, accepting, building, repairing or maintaining public roads or bridges in said county; and to repeal all laws and parts of laws, general, special, private and local in conflict with the provisions of this Act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Court of County Commissioners of Fayette County, Alabama, is hereby authorized and empowered to pay the per diem and mileage of the members of said Court of County Commissioners of Fayette County, Alabama, at the rate and in the sum provided for in Section 6771 of the Code of Alabama, 1923, as amended by an Act approved July 31, 1931 out of the Excise Gas Tax Fund of said county, while engaged in inspecting, accepting, building, repairing or maintaining any of the public bridges or highways of said county.

Section 2. Nothing herein shall prevent the Court of County Commissioners of Fayette County Alabama from paying the members of its Court of County Commissioners out of the general fund of said county when in the opinion of said Court of County Commissioners payment to them out of said general fund is deemed necessary and desirable.

Section 3. The members of the said Court of County Commissioners, of said County shall keep separate from services otherwise performed for their said county, their per diem and mileage when engaged in public road work, as stated in Section 1 hereof, and shall submit, in writing, the same to their Court of County Commissioners for approval and payment at the first meeting after the rendering of such services.

Section 4. That this Act shall become effective on and after May 1, 1936, and all payments made to such Commissioners for such services on and after May 1, 1936, are approved, authorized and legalized.

Section 5. All laws and parts of laws, general, special, private and local in conflict with the provisions of this Act be and the same are expressly repealed.

THE STATE OF ALABAMA,
FAYETTE COUNTY.

Before me, Estella Oswalt, a Notary Public in and for said County, in State aforesaid personally appeared W. B. Ford, Jr., who, being duly sworn, doth depose and say that he is publisher of THE NORTHWEST ALABAMIAN, a weekly newspaper published in the Town of Fayette, State and County aforesaid, and that a certain advertisement (a true copy of which is hereto attached) has been published in said newspaper for 4 consecutive weeks prior to the 12th day of January, 1937, and the respective numbers and dates of said newspaper in which said publication was made are the following, to-wit: No. 1, the 19th day of November, 1936; No. 2, 26th day of November, 1936; No. 3, the 3rd day of December, 1936; No. 4, the 10th day of December, 1936.

W. B. Ford, Jr.
Publisher.

Sworn to and subscribed before me, this 12th day of January, 1937.

(Seal) Estella Oswalt,
Notary Public.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing Message from the House were severally read one time at length and referred to appropriate standing committees as follows:

H. 343—To the Committee on Local Legislation.

H. 317—To the Committee on Finance and Taxation.

RESOLUTION

The Rules Committee reported the following resolution:

S. R. 40 BE IT RESOLVED that after S. B. No. 6 and S. B. 101 are disposed of that S. B. No. 33 be the Special, Paramount and continuing order.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bills:

By Mr. Calhoun:

H. 278. To amend Section 6550 of the Code of Alabama of 1923.

Also:

By Mr. Calhoun:

H. 279. To amend Section 6551 of the Code of Alabama of 1923.

Also:

By Mr. Dominick:

H. 302. To amend Sub-Section Seven of Section 7407 of the Code of Alabama of 1923, as amended by Acts of Extra Session of 1932, Page 52, approved September 28, 1932.

Also:

By Mr. Arnold:

H. 168. To amend Schedule 158.22 of Article XIII, Chapter 6 of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

Also:

By Mr. Adams:

H. 178. To amend Sections 2, 3 and 4 of an Act, approved September 13, 1935 (General Acts 1935, page 1057), entitled "An Act to exempt disabled Veterans of the World War and of the Spanish-American War and of the Civil War from the payment of business or occupational licenses in the State of Alabama and to

regulate and restrict such exemptions, and to provide the manner in which such exemptions shall be allowed."

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing Message from the House were severally read one time at length and referred to appropriate standing committees as follows:

House bills 278, 279, 178—To the Committee on Revision of Laws.

H. 302—To the Committee on Judiciary.

H. 168—To the Committee on Finance and Taxation.

CONSIDERATION OF SPECIAL ORDERS

Upon a call of the Calendar, the Senate proceeded to consider the Special Orders for today, the first of which was the bill:

S. 6. To create and establish a state-wide Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or part from the public funds of the State of Alabama; to create a State Citizen Supervisory Commission and to create a State Personnel Board and other agencies for the supervision and administration of said System; to define the scope and extent of said System and the powers, duties and authority of said Commission, Board and other agencies; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such Personnel; to provide for payment of the expenses of each such agency; to provide penalties for the violation of this Act and of rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof.

Was taken up.

Mr. Woodall offered the following amendment to the bill, to-wit:

Amending Section 2 of said bill so as to read as follows:

Section 2. PERSONNEL BOARD CREATED AND THE EXTENT OF ITS AUTHORITY DEFINED. There is hereby created and established a State Personnel Board for the government and control by Civil Service rules and regulations and prac-

tices hereinafter set out or authorized of all employees and appointees of the State of Alabama, and all Boards, Commissions and institutions thereof whose employees are paid in whole or in part with funds received from the State and such Board is now given and vested with such power, authority and jurisdiction. Provided, however, that this Act shall in no event be construed to apply to a person engaged in the profession of teaching, or in supervising teaching in the public schools or higher institutions of learning nor to officials elected by vote of the people, nor to their first or chief assistant or deputy, nor to the Judge of any Court, nor to the head of any department created by the Legislature except as hereinafter provided, nor to his first or chief assistant or deputy, nor to any private secretaries, nor to the Personnel Director, nor to Common or unskilled laborers, and to the officers, agents and employees of the University of Alabama, Alabama Polytechnic Institute, Alabama State Normal Schools, Alabama Boys Industrial School, State Training School for Girls, Alabama College for Women at Montevallo, Alabama, Alabama Bryce Institute for the Insane, Partlow State School, State Secondary Agricultural Schools and the Alabama Institute for the Deaf and Blind. Provided, further, that the provisions of this Act shall apply in every particular to the State Tax Commission and to all of its officers, agents, deputies and employees; also, all land agents of the State and the officers, agents, deputies and employees thereof, and shall also apply to the Bureau of Insurance and all of its officers, agents, deputies and employees, any provision in this Act to the contrary notwithstanding; it being the purpose and intent of the Legislature to place all of the officers, agents, deputies and employees of these taxing departments of the state government under Civil Service rules and regulations. In the event of the death, resignation or removal of the Superintendent of Insurance, the then Deputy Superintendent of Insurance shall become the Superintendent of Insurance, and a Deputy Insurance Superintendent shall be appointed by the Governor under the rules and regulations hereinafter provided. In the event the head of any department created by the Legislature or his or any other first or chief assistant or deputy, or any private secretary who is in office when this Act goes into effect or who shall later be promoted from lower grades or classifications shall thereafter be removed from such office for any cause except a cause involving moral turpitude, such removed officer shall have the option of returning to the grade, classification or position in such department which he occupied before being appointed as head of any department created by the Legislature, or his or any other first or chief assistant or deputy as a private secretary.

Which was adopted.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	St. John	Tucker
Browder	Mooneyham	Simpson	Walden
Carlton	McConnell	Starnes	Walton
Chesnut	McDowell	Stephens	Weaver
Cook	Parrish	Swift	Wellborn
Dorsey	Riddle	Taylor	Woodall
Kelly	Russell	Thomas	

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Nays:—None.

Mr. Woodall offered the following amendment to the bill, to-wit:

Amending Section 4 of said bill so as to read as follows:

Section 4. STATE SUPERVISORY COMMISSION. There is hereby created and vested with the powers hereinafter set out a State Supervisory Commission which shall consist of the persons who are now and who from time to time shall be:

- (1) The Governor of Alabama;
- (2) The Chief Justice of the Supreme Court of Alabama;
- (3) The Presiding Judge of the Court of Appeals of Alabama;
- (4) The President Pro Tem of the State Senate of Alabama;
- (5) Speaker of the House of Representatives of Alabama;
- (6) Chairman of the Finance & Taxation Committee of the Senate;
- (7) Chairman of the Ways & Means Committee of the House of Representatives.

In the event one or more of the foregoing persons fail or refuse to serve, such fact shall not invalidate the acts of the Commission, provided as many as four members of the Commission serve.

The State Supervisory Commission shall meet and organize in the Supreme Court at Montgomery, at twelve o'clock noon on the second Tuesday after this Act shall have been signed by the Governor or become a law by other process. The Chief Justice of the Supreme Court shall be both temporary and permanent Chairman of said Commission. In all matters a majority vote of the Commission present, if a quorum be present, shall govern. The Commission shall adopt, from time to time, such rules, regulations and modes of procedure as it deems expedient to enable it to dispatch in an orderly manner its business. The Chairman may call upon the Sheriff of Montgomery County or any deputy sheriff thereof, to attend the meetings of the Commission and preserve order and execute the decisions, rulings, and orders of the Commission and of the Chairman thereof. The Chairman may punish for contempt of the Commission in like manner and extent as may be done by the Circuit Courts of this State. The Chairman of the Commission shall be the keeper and custodian of the minutes, rec-

ords, property and paraphernalia of the Commission, and may call upon the Director of Personnel to furnish him such clerical assistants, supplies and place of safe deposit for such records and property as he deems necessary. These expenses and the cost of giving notice of meetings shall be paid as other expenses of the personnel systems are paid.

The Chief Justice of the Supreme Court shall discharge his duties hereunder, under the sanction of his oath as such Chairman and he shall administer the oath of office to the other members of such Commission prescribed by Section 279 of the Constitution of this State. In addition to the original organizational meeting here prescribed, the Commission shall meet once each year to receive the annual report of the Personnel Board and to make such recommendations to the Board as it shall seem in the interest of the sound administration of this Act in this state and to elect a successor to any Member of the Personnel Board whose term will expire before the next annual meeting of the Commission, such annual meeting shall be held at noon on the Tuesday of each year which is nearest to a date thirty days prior to the anniversary of the enactment of this Act. Where two Tuesdays are equidistant, therefrom, then on the first of such Tuesdays. The Chairman of the Commission or any four members thereof may call a meeting of the Commission at the State Capitol in Montgomery, at noon on any Tuesday they deem it in the public interest for it to meet. Such notice shall be signed by the person or persons calling such meeting and shall state briefly the purposes of the meeting; shall be mailed to each person registered as a member of the Commission or known to be such. Notice of the annual meeting shall be given in like manner, but failure of any member to receive notice by mail of any such meeting, either annual or special, shall not invalidate it. A majority of the persons serving as members of the Commission shall constitute a quorum to do business but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by the rules and regulations of the Commission.

Which was adopted.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:

Bonner	Mooneyham	Simpson	Tucker
Browder	McConnell	Starnes	Walden
Carlton	McDowell	Stephens	Walton
Chesnut	Parrish	Swift	Weaver
Cook	Riddle	Taylor	Wellborn
Dorsey	St. John	Thomas	Woodall
Locke			

Nays:—None.

Mr. Simpson offered the following amendment to the bill, to-wit:

To amend Section 3 of said Act so as to read as follows:

Section 3. MEMBERSHIP OF STATE PERSONNEL BOARD. There is hereby created and vested with the powers hereinafter set out, a State Personnel Board. Said Personnel Board shall consist of three members designated respectively as Member Number One, Member Number Two and Member Number Three, each of whom shall be over 21 years of age, of recognized character and ability, a bona fide resident and qualified voter of this state and shall not, when appointed, nor for the three years then last past before the date of his appointment have held public office or employment, nor have been a candidate for such and who shall not directly or indirectly have solicited membership on such Board. The Board shall meet once a month on dates to be fixed by its rules and regulations and as much oftener as shall be necessary for the orderly dispatch of its business. The Members of the Board shall be selected for the following term and in the following manner: Members Number One, Two and Three shall be appointed within thirty days after this Act shall become a law, by the State Supervisory Commission, which Commission shall likewise appoint their successors. Member Number One, who shall be the Chairman of the Board, shall hold office for a term of two years beginning on the date this Act becomes effective and until his successor is appointed and has qualified. His successors shall hold office for terms of six years each beginning at the ends of the legal terms as distinguished from the possible holdover terms of their respective predecessors. Member Number Two shall hold office for a term of four years beginning on the date this Act becomes effective and until his successor is appointed and has qualified. His successors shall hold office for terms of six years each beginning at the ends of the legal terms, as distinguished from the possible holdover terms, of their respective predecessors. Member Number Three shall hold office for a term of six years beginning on the date this Act becomes effective and until his successor has been appointed and has qualified. His successors shall hold office for terms of six years each beginning at the ends of the legal terms, as distinguished from the possible holdover terms, of their respective predecessors. In the event of a vacancy on the Board occasioned by death, resignation, impeachment or other cause, such vacancy shall be filled by the State Supervisory Commission for the then unexpired term. Each Member shall receive ten dollars compensation for each meeting of the Board attended by him, and his actual expenses travelling to and from such meeting, provided no Member shall receive more than forty dollars compensation during any one month. This compensation shall be paid monthly as salaries of State Employees are paid.

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Mooneyham	Simpson	Tucker
Browder	McConnell	Starnes	Walden
Chesnut	McDowell	Stephens	Walton
Cook	Parrish	Swift	Weaver
Dorsey	Riddle	Taylor	Wellborn
Kelly	Russell	Thomas	Woodall
Locke	St. John		

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Nays:—None.

Mr. Simpson also offered the following amendment to the bill, to-wit:

To amend Section 26 of said Act so as to read as follows:

Section 26. **TENURE OF OFFICE.** The tenure of every person holding office or employment under the provisions of this Act shall be during good behavior, and the rendering of faithful and efficient service, but any such person may, by the Appointing Authority, be removed, demoted or suspended without pay or with reduced pay, transferred to another position in the same class, reprimanded, or if suspended, restored to his position with such pay as may be equitable under a procedure in conformity with the provisions of this Act which shall be set up by the Personnel Board in its Rules and Regulations. The Appointing Power at the time of such removal, demotion or suspension shall furnish to the person removed, demoted or suspended, a statement in writing setting out the cause of such removal, demotion or suspension. The officer or employee so removed, demoted or suspended may within five days after such removal, demotion or suspension, demand a hearing thereon before the Personnel Board. The Appointing Authority shall thereupon prefer charges in writing and clearly state the specific act or acts of the employee which caused said removal, demotion or suspension, the original of which shall be immediately filed with the Board and a copy served upon the employee so discharged either by personal service or by registered mail. The charges filed against an employee must also inform him of the time and manner in which, under the provisions of this section and the rules and regulations of the Board he must answer said charges. The employee shall have ten days in which to file with the Board a written answer to or explanation of the charges, and to request an investigation or hearing, and a copy of such answer, explanation or request shall at once be mailed by the Board to the appointing power or other officer or person who has made the charges. Within ten days after the filing of such answer, and upon written notice to both parties of the time and place of the hearing or inves-

tigation, there shall be held a hearing or investigation at which time both the accuser and the accused shall have the right and reasonable opportunity to submit all proper and competent evidence for and against the accused. It shall be the duty of the Board to subpoena witnesses for the accused upon written request and affidavit that the same are necessary and consider carefully the evidence submitted in the hearing or investigation and render a decision which in its judgment is just and proper. The decision must be rendered within five days after the completion of the trial and shall be entered upon the minutes of the Board and the official roster of employees. Copies of the decision shall be furnished to both the appointing power or other officer or person in charge of the employee or the accuser of such employee and the employee. The taking of testimony in connection therewith may be held by the Board or any member or any agent of the Board duly accredited to such duty by the Board, and the decision of the Board based upon its records and the testimony taken at such hearing shall be final. An appointing authority or other officer or person in charge of the employee may, from time to time, preemptorily suspend an employee without pay or other compensation and without the right of a hearing as punishment for improper behavior, but such suspension or total suspension by such appointing power or other officer or person in charge of the employee of such person shall not exceed thirty days in any year of service. Such suspension with loss of pay may be effected only by service upon the employee by the appointing power or other officer or person in charge of the employee of written charges setting out clearly the delinquency for which such suspension was made and a copy of which must be at the same time mailed or delivered to the Board. The suspended employee shall have the right to file with the Board and the employing authority a written answer or explanation of such charges.

Which was adopted.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:

Bonner

Browder

Carlton

Chesnut

Cook

Dorsey

Kelly

Locke

McConnell

McDowell

Riddle

Russell

St. John

Simpson

Starnes

Stephens

Swift

Taylor

Thomas

Tucker

Walden

Walton

Weaver

Wellborn

Woodall

—25

Nays:—None.

Mr. Simpson also offered the following amendment to the bill, to-wit:

Amend Section 25 by adding at the end thereof the following:

Provided that no salary the amount of which is fixed by statute shall be changed hereunder.

Which was adopted.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Starnes	Walden
Browder	McConnell	Stephens	Walton
Chesnut	McDowell	Swift	Weaver
Cook	Russell	Taylor	Wellborn
Dorsey	St. John	Thomas	Woodall
Kelly	Simpson	Tucker	

—23

Nays:—None.

Mr. Simpson also offered the following amendment to the bill, to-wit:

By adding at the end of Section 32 the following:

“and there is hereby appropriated out of the General Fund the sum of \$30,000.00 annually or so much thereof as may be necessary for the operation of this act.”

Which was adopted.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Simpson	Tucker
Browder	Locke	Starnes	Walden
Carlton	McConnell	Stephens	Walton
Chesnut	McDowell	Swift	Weaver
Cook	Russell	Taylor	Wellborn
Dorsey	St. John	Thomas	Woodall

—24

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 20; Nays, 7.

Yeas:

Messrs.:

Bonner	Mooneyham	St. John	Walden
Browder	McConnell	Simpson	Walton
Dorsey	McDowell	Starnes	Weaver
Kelly	Riddle	Swift	Wellborn
Locke	Russell	Tucker	Woodall

—20

Nays:

Messrs.:

Carlton	Cook	Stephens	Thomas
Chesnut	Parrish	Taylor	

— 7

BILL ON THIRD READING

The bill:

S. 138. To amend Section 2377, Code of Alabama, 1923, as amended by Act No. 65, Acts of the Extra Session, 1933, page 55, and by Act of the Legislature of 1935, General Acts 1935, page 878.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 3.

Yeas:

Messrs.:

Bonner	McConnell	Simpson	Walden	
Carlton	McDowell	Swift	Walton	
Dorsey	Parrish	Taylor	Weaver	
Kelly	Riddle	Thomas	Wellborn	
Locke	Russell	Tucker	Woodall	
Mooneyham	St. John			—22

Nays:—Messrs.: Browder, Chesnut and Stephens — 3

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the twenty-second Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the twenty-second Legislative day approved by the Senate.

ADJOURNMENT

At 5:45 P.M., on motion of Mr. Locke and pursuant to joint resolution heretofore adopted, the Senate adjourned until tomorrow morning at 10 A.M.

TWENTY-THIRD DAY

Wednesday, February 10th, 1937.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The Session was opened with prayer by Rev. H. G. Earnest, Doorkeeper of the Senate.

ROLL CALL

Present:

Messrs.:			
Bonner	Kuykendall	Rogers	Taylor
Browder	Locke	Russell	Thomas
Carlton	Mixon	St. John	Tucker
Chesnut	Mooneyham	Simpson	Walden
Cook	McConnell	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Frazer	Parrish	Stoddard	Wellborn
Kelly	Riddle	Swift	Woodall

—32

JOURNAL

On motion of Mr. Tucker the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Walton, leave of absence was granted Mr. Goldsmith for today.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bill, your signature thereto is requested:

H. 293. To authorize the payment of the per diem of the members of the Court of County Commissioners of Marion County, Alabama, from the gasoline funds received by it from the State.

E. F. Taylor,
Clerk.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing message from the House.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Kelly:

S. 146. To amend Sections 8540, 8542, 8543, 8544, 8545, 8546, 8550, 8552 and 8553, and to repeal Sections 8547, 8548, 8549 and 8551 of the Code of Alabama.

Committee on Revision of Laws.

REPORT OF COMMITTEES

Mr. Starnes, Acting Chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Calhoun:

H. 278. To amend Section 6550 of the Code of Alabama of 1923.

By Mr. Denson:

H. 88. To amend an Act entitled "An Act To provide for the guardianship of incompetent veterans and of minor children of disabled or deceased veterans, and the commitment of veterans and to make uniform the law with reference thereto, and to repeal Sections 8120, 8121, 8123, 8124, 8125, 8126, 8127, 8128, 8129, 8130, 8131, 8132, 8133, 8134, of the Code of Alabama, 1923, and an Act entitled 'An Act to provide for the commitment of veterans of any war, military occupation or expedition, who are of unsound mind, to a United States Veterans' Bureau hospital for restraint, care and treatment,' approved September 6, 1927, and all other laws or parts of laws inconsistent with this act", approved by the Governor of Alabama June 6, 1931, and to further prescribe and define the duties of fiduciaries appointed pursuant to said act:

By Mr. Cox:

H. 155. To Amend Sub-Section 11 of Section 303 of the Code of Alabama of 1923.

By Mr. Adams:

H. 178. To amend Sections 2, 3 and 4 of an Act, approved September 13, 1935, (General Acts 1935, page 1057), entitled "An Act to exempt disabled Veterans of the World War and of the Spanish-American War and of the Civil War from the payment of business or occupational licenses in the State of Alabama and to regulate and restrict such exemptions, and to provide the manner in which such exemptions shall be allowed."

By Mr. Calhoun:

H. 279. To amend Section 6551 of the Code of Alabama of 1923.

By Mr. Simpson (with amendment):

S. 125. To amend Sections 1, 5, 7, 8, 9, 14, 16, 19, 20, 24 and 35 of an Act of the Legislature of Alabama, approved March 29, 1933, entitled "An Act to authorize any county, city or incorporated town of the State of Alabama, subject to the limitations herein stated, to purchase or construct a waterworks system, water supply system, sewer system, sanitary disposal equipment and appliance, or gas system, and in furtherance thereof to purchase or construct any necessary part of any such system either within or without the limits of such county, city or incorporated town, as the case may be; and to authorize any county, city or incorporated town of the State of Alabama now or hereafter owning and operating any such system to improve, enlarge, extend or repair the same; and for any such purpose or purposes to authorize any such county, city or incorporated town to issue revenue bonds payable solely from the revenues derived from the operation of any such system or systems; to regulate the issuance, sale, retirement, and refunding of such bonds and of other matters in connection therewith; to regulate the use of the revenues of such system or systems when such bonds are issued or outstanding; to provide for the operation of any such system or systems in case of deficiencies in such revenues; to confer upon the State Board of Health certain powers with reference to any such sewer system; and for other purposes," as heretofore amended.

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Calhoun:

H. 343. To authorize and empower Boards of Education in all Counties in the State of Alabama with a population of not less than 45,300, nor more than 46,100, according to the last or any subsequent Federal Census, where the maximum salary of the Superintendent of Education is prescribed by law, to fix, approve, and authorize the payment of the travelling expenses incurred by such Superintendent in the performance of his official duties within the County and the expenses incurred by him when his official duties require him to go outside of the County; to require such Superintendents of Education to prepare and file on forms to be prescribed by the State Board of Education a certified itemized statement of the expenses incurred; and to provide that the payment of the expenses hereby authorized shall not constitute a part of the official salary of such Superintendents.

By Mr. Mooneyham:

S. 143. To amend the Title and Sections 12, 16, 17 and 18 of an Act entitled "An Act relating to dependent, neglected or delinquent children in all counties of Alabama, which now have or which may hereafter have a population of not less than seventy-five thousand people and not more than one hundred thousand people according to the last Federal Census or any such census that may be taken hereafter; to declare who are dependent, neglected or delinquent children, to declare that such children shall be wards of the State, to provide for their custody, discipline, supervision, care, protection, guardianship, and welfare; to create and establish in such counties Juvenile and Domestic Relations Courts and to provide for their equipment and maintenance; to create and confer upon such courts jurisdiction under the terms of this act; to try and determine the question of dependency, neglect or delinquency of children in such counties; and when found to be such to adjudicate and determine all questions as to their guardianship, custody, supervision, discipline, care, control, protection and training, and generally to confer upon such court jurisdiction and power to try and determine all questions arising under the terms of this act, or which may otherwise be referred to them by law for adjudication, or which may be necessary or convenient to the exercise of such jurisdiction or to carry out the purposes and intent of this act; to provide or the trial and punishment of those who aid, abet, cause or connive at or contribute to the delinquency, neglect or dependency of such children; to provide and regulate the procedure in such cases; to confer power upon such courts to make rules and regulations; and to provide such forms when not otherwise provided for, under the terms of this act as shall be found necessary or convenient to the exercise of its jurisdiction or for the conduct of probation officers or their

work, as provided for in this act; to provide for the taking and enforcing of recognizances and bonds and for the taking of appeals from the decisions of such court; to provide for the trial of any delinquent in a criminal court of competent jurisdiction who has shown himself or herself to be unamenable to the discipline provided for such delinquent as provided under the terms of this act; and for the appointment of an Advisory Board to such court and to define the duties and powers of such court; to provide for the selection of the Judge and other Officers of such court and to define their powers and duties; and to provide for their compensation; to declare that should any part of this act be found unconstitutional that it shall not effect the remainder thereof and to provide for the repeal of all laws in conflict with this act." (Approved February 26, 1931 and as amended by an Act approved January 31, 1935)

Mr. Stephens, Chairman of the Standing Committee on Education, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Goodwyn:

H. 347. To confer additional authority upon Boards of Education for the issue of refunding warrants.

By Mr. Goodwyn:

H. 348. To ratify, affirm and validate the existence of all boards of education and like bodies in this State and the terms of office of all members and officers thereof, to confer and impose upon such boards or bodies all powers, functions and duties conferred or imposed by law on boards of education and to ratify, affirm and validate all acts, contracts, agreements and resolutions of such boards or bodies relating to refunding warrants.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in the Senate amendment to the following House Bill:

By Mr. Taylor:

H. 232. To alter and re-arrange the boundaries of the city of Prichard.

E. F. Taylor,
Clerk.

RESOLUTIONS

The Rules Committee reported the following joint resolution:

S. J. R. 41. BE IT RESOLVED BY THE SENATE, the House concurring, that when the two houses adjourn to-day, they adjourn to meet again on Friday, February 12th, at 10 A. M.

Which was adopted.

Yeas, 18; Nays, 12.

Yeas:

Messrs.:

Bonner	Kuykendall	Starnes	Thomas
Carlton	Mixon	Stephens	Walton
Chesnut	Mooneyham	Stoddard	Weaver
Cook	Riddle	Taylor	Woodall
Kelly	St. John		

—18

Nays:

Messrs.:

Browder	Locke	Rogers	Tucker
Dorsey	McConnell	Simpson	Walden
Frazer	McDowell	Swift	Wellborn

—12

Mr. Tucker offered the following resolution:

S. R. 42. BE IT RESOLVED BY THE SENATE, that the Secretary of State be instructed to deliver to the Secretary of the Senate one thousand copies of the Alabama Beverage Control Act (House Bill 44) for such use as the Senators may require and direct.

Which was adopted.

CONSIDERATION OF SPECIAL ORDERS

Upon a call of the Calendar, the Senate proceeded to consider the Special Orders for today, the first of which was the bill:

S. 101. To define and prevent the abuse of the lawful right to strike in furtherance of a labor dispute or dispute as to wages or working conditions, to provide punishment and fix liability and prima facie responsibility therefor, and to provide remedies in respect thereof.

Was taken up.

The Standing Committee on Finance and Taxation reported the following to the bill, to-wit:

Amend Sections three and four by striking therefrom the words "three times" in section three and "treble" in Section four

and substitute in lieu of the word "treble" in section four the word "actual."

Which was adopted.

Yeas, 25; Nays, 1.

Yeas:

Messrs.:

Bonner	Locke	Russell	Tucker
Browder	Mixon	Simpson	Walden
Carlton	Mooneyham	Stephens	Walton
Chesnut	McDowell	Swift	Weaver
Cook	Riddle	Taylor	Wellborn
Dorsey	Rogers	Thomas	Woodall
Kelly			

—25

Nay:—Mr. Frazer

— 1

Mr. Wellborn moved that consideration of S. 101 and amendment be postponed until the 25th Legislative Day.

Mr. Bonner moved that the Senate table the motion of Mr. Wellborn to postpone said bill and amendment, which motion prevailed and the Senate refused to postpone consideration of S. B. 101 and amendment.

Yeas, 16; Nays, 15.

Yeas:

Messrs.:

Bonner	Frazer	Rogers	Swift
Browder	Kelly	Russell	Taylor
Carlton	Mooneyham	Simpson	Tucker
Dorsey	McDowell	Stephens	Walden

—16

Nays:

Messrs.:

Chesnut	Mixon	Starnes	Weaver
Cook	Parrish	Stoddard	Wellborn
Kuykendall	Riddle	Thomas	Woodall
Locke	St. John	Walton	

—15

RECESS

At 12:45 P. M., on motion of Mr. Tucker, the Senate took a recess until three o'clock this afternoon.

AFTERNOON SESSION—TWENTY-THIRD DAY

Wednesday, February 10th, 1937.

The Senate re-assembled at 3 P. M., Lieutenant-Governor Knight presiding.

ROLL CALL

Present:

Messrs.:			
Bonner	Kuykendall	Rogers	Taylor
Browder	Locke	Russell	Thomas
Carlton	Mixon	St. John	Tucker
Chesnut	Mooneyham	Simpson	Walden
Cook	McConnell	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Frazer	Parrish	Stoddard	Wellborn
Kelly	Riddle	Swift	Woodall

—32

REPORTS OF COMMITTEES

Mr. Simpson, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Walton:

S. 142. To amend Sections 10304 and 10306 of the Code of 1923.

By Mr. Dominick:

H. 302. To amend Sub-section seven of Section 7407 of the Code of Alabama of 1923, as amended by Acts of extra session of 1932, Page 52, approved September 28, 1932.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama,
Montgomery, Alabama.
Gentlemen:

I herewith transmit to you a message from the Governor.

Respectfully submitted,

PITT TYSON MANER,
Secretary to the Governor.

February 10, 1937.

To the Senate of Alabama,
Montgomery, Alabama.
Gentlemen:

Under the provisions of House Bill No. 44 passed by the Legislature, known as the "Alabama Alcoholic Beverage Control Act," it becomes the duty of the Governor, under Section 4 thereof, to name, by and with the advice and consent of the Senate, the "Alabama Alcoholic Beverage Control Board."

I am asking in advance the advice and consent of the Senate to the appointment of the following as Members of the "Alabama Alcoholic Beverage Control Board" for the terms designated, to-wit:

William O. Baldwin, of Montgomery—as Chairman—For a term of four years from the date of his appointment.

Matt H. Murphy, of Birmingham—as Member—For a term of six years from the date of his appointment.

Dr. John H. McCormick, of Mobile—as Member—For a term of 2 years from the date of his appointment.

Respectfully,

BIBB GRAVES,
Governor.

February 10, 1937.

GOVERNOR'S MESSAGE

On motion of Mr. Frazer, the Senate agreed to take up separately the Governor's appointees to the Alabama Beverage Control Board.

The Senate then proceeded to the confirmation of the Governor's appointees.

Mr. William O. Baldwin of Montgomery, as Chairman of the Board for a term of four years was confirmed by the Senate.

Yeas, 31; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers	Thomas
Browder	Locke	Russell	Tucker
Carlton	Mixon	St. John	Walden
Chesnut	Mooneyham	Starnes	Walton
Cook	McConnell	Stephens	Weaver
Dorsey	McDowell	Stoddard	Wellborn
Frazer	Parrish	Swift	Woodall
Kelly	Riddle	Taylor	

—31

Nays:—None.

Mr. Russell then moved that consideration of confirmation of Honorable Matt H. Murphy and Dr. John H. McCormick be postponed until the 24th Legislative Day.

Mr. Kelly moved to table the motion of Mr. Russell to postpone, which motion prevailed and the Senate refused to postpone consideration of confirmation of Hon. Matt H. Murphy and Dr. John H. McCormick.

Yeas, 18; Nays, 12.

Yeas:

Messrs.:

Bonner	Kuykendall	Starnes	Thomas	
Carlton	Mooneyham	Stephens	Walton	
Chesnut	Parrish	Stoddard	Weaver	
Cook	Riddle	Taylor	Woodall	
Kelly	St. John			—18

Nays:

Messrs.:

Browder	Mixon	Rogers	Tucker	
Dorsey	McConnell	Russell	Walden	
Locke	McDowell	Swift	Wellborn	—12

The Senate then confirmed the appointment of His Excellency, the Governor, of Hon. Matt H. Murphy, as Member of the Board for a term of six years.

Yeas, 23; Nays, 7.

Yeas:

Messrs.:

Bonner	Kelly	Parrish	Taylor	
Browder	Kuykendall	Riddle	Walton	
Carlton	Locke	St. John	Weaver	
Chesnut	Mixon	Starnes	Wellborn	
Cook	Mooneyham	Stephens	Woodall	
Frazer	McDowell	Stoddard		—23

Nays:

Messrs.:

Dorsey	Rogers	Swift	Walden	
McConnell	Russell	Thomas		— 7

Dr. John H. McCormick of Mobile, as Member of the Board for a term of two years was confirmed by the Senate.

Yeas, 20; Nays, 10.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Taylor	
Browder	Kuykendall	St. John	Thomas	
Carlton	Mixon	Starnes	Walton	
Chesnut	Mooneyham	Stephens	Weaver	
Cook	Parrish	Stoddard	Woodall	
				—20

Nays:

Messrs.:

Dorsey	McConnell	Swift	Walden	
Frazer	Rogers	Tucker	Wellborn	
Locke	Russell			—10

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following:

By Rules Committee:

S. J. R. 41. Relative to two Houses adjourning today to meet again on Friday, February 12th, at 10 A. M.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Hill:

H. 351. To make an additional appropriation for the acquisition, construction and maintenance of facilities for the insane and tubercular.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing Message from the House was read one time at length and referred to appropriate standing committee as follows:

H. 351—To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, with his objections and proposed amendment to the bill:

By Mr. Dominick:

H. 273. To amend Section 6 of an act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt, and for the public schools," approved September 6, 1935, Acts of 1935, page 792.

Said Governor's Message containing the proposed amendment being in words and figures as follows, to-wit:

To the House of Representatives,
Montgomery, Ala.

Gentlemen:

I am returning to you, the Body in which it originated, House Bill No. 273 without my approval.

I suggest the following Executive Amendments:

1. Amend the title of said Act so as to read as follows:

"An Act to amend Sub-division VI of Section 1 of an Act entitled, "An Act to make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt, and for the public schools", approved September 6, 1935."

Further amend the bill as follows:

"Section 1. Amend Sub-division VI of Section 1 of an Act entitled, "An Act to make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt, and for the public schools", approved September 6, 1935, so as to read as follows: Sub-division VI of Section 1".

The amendments are suggested as the bill as enacted would be confusing as the bill contains no Section 6 as such and it might be confused with Sub-division 6, Section 1, which refers to appropriations to the Attorney General's Office.

Respectfully,
(Signed) Bibb Graves,
Governor."

February 10, 1937.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to said bill, H. 273, by a vote of a majority of the whole number elected to the House, said vote being: Yeas, 64; Nays, 0.

And said bill, H. 273, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House; said vote being: Yeas, 64; Nays, 0.

And said bill, together with the Governor's Message, containing the proposed amendment, is herewith sent to the Senate for its consideration.

E. F. Taylor,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Tucker, the Senate concurred in the amendment by His Excellency, the Governor, to the bill, H. 273, the title of which and said proposed amendment is set out in the foregoing Message from the House.

Yeas, 29; Nays, 0.

Yeas:
Messrs.:

Bonner
Browder

Carlton
Chesnut

Cook
Kuykendall

Locke
Mixon

Mooneyham	Russell	Stoddard	Walden
McConnell	St. John	Swift	Walton
McDowell	Simpson	Taylor	Weaver
Parrish	Starnes	Thomas	Wellborn
Riddle	Stephens	Tucker	Woodall
Rogers			

—29

Nays:—None.

Which was a majority of the whole number elected to the Senate.

And said bill, as thus amended, was again read a third time at length and passed.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:			
Bonner	Mixon	St. John	Thomas
Browder	Mooneyham	Simpson	Tucker
Chesnut	McConnell	Starnes	Walden
Cook	McDowell	Stephens	Walton
Dorsey	Parrish	Stoddard	Weaver
Kelly	Riddle	Swift	Wellborn
Kuykendall	Rogers	Taylor	Woodall
Locke	Russell		

—30

Nays:—None.

Which was a majority of the whole number elected to the Senate.

UNFINISHED BUSINESS

The Senate then proceeded to the consideration of unfinished business of the Morning Session, which was S. 101 and amendment.

S. 101. To define and prevent the abuse of the lawful right to strike in furtherance of a labor dispute or dispute as to wages or working conditions, to provide punishment and fix liability and prima facie responsibility therefor, and to provide remedies in respect thereof.

Mr. St. John moved that the Senate postpone consideration of the bill and amendment until the 26th Legislative day.

Mr. Bonner moved to table the motion of Mr. St. John to postpone, which motion prevailed and the Senate refused to postpone consideration of the bill and amendment.

Yeas, 17; Nays, 13.

Yeas:

Messrs.:			
Bonner	McConnell	Simpson	Taylor
Browder	McDowell	Stephens	Tucker
Carlton	Rogers	Stoddard	Walden
Dorsey	Russell	Swift	Weaver
Kelly			

—17

Nays:

Messrs.:

Chesnut

Cook

Kuykendall

Locke

Mixon

Mooneyham

Parrish

Riddle

St. John

Starnes

Thomas

Walton

Woodall

—13

Mr. Browder offered the following amendment to the bill, to-wit:

Amend Senate Bill No. 101 by striking out Section 4, and substituting therefor:

"Section 4. In the event that such abuse shall be committed in furtherance of any labor dispute under the direction or with the material aid of any labor union, whether in the form of an association, firm or corporation, such labor union shall be deemed to be liable in all respects as the individual or individuals committing the abuse or abuses if, after written notice from the employer to such union or official thereof, such abuse shall not be discontinued not later than twelve hours following the time of such notice, and such labor union shall be liable for damages as in the case of the individual or individuals committing the offense."

Which was adopted.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:

Bonner

Browder

Carlton

Chesnut

Cook

Dorsey

Kelly

Kuykendall

Locke

Mixon

Mooneyham

McConnell

McDowell

Parrish

Riddle

Rogers

Russell

St. John

Starnes

Stephens

Stoddard

Swift

Taylor

Thomas

Tucker

Walden

Walton

Weaver

Wellborn

Woodall

—30

Nays:—None.

Mr. Wellborn moved that further consideration of S. 101 and amendments be postponed until the 27th Legislative Day.

Mr. Bonner moved to table the motion of Mr. Wellborn to postpone, which motion was lost and the Senate refused to table the motion of Mr. Wellborn to postpone.

Yeas, 14; Nays, 16.

Yeas:

Messrs.:

Bonner

Browder

Carlton

Dorsey

Kelly

McConnell

Rogers

Russell

Simpson

Stephens

Swift

Taylor

Tucker

Walden

—14

*Nays:**Messrs.:*

Chesnut	Mixon	St. John	Walton
Cook	Mooneyham	Starnes	Weaver
Kuykendall	Parrish	Stoddard	Wellborn
Locke	Riddle	Thomas	Woodall

—16

The question then recurred on the motion of Mr. Wellborn to postpone, which motion was lost.

Yeas, 15; Nays, 15.

*Yeas:**Messrs.:*

Chesnut	Mixon	Starnes	Weaver
Cook	Parrish	Stoddard	Wellborn
Kuykendall	Riddle	Thomas	Woodall
Locke	St. John	Walton	

—15

*Nays:**Messrs.:*

Bonner	Kelly	Russell	Taylor
Browder	Mooneyham	Simpson	Tucker
Carlton	McDowell	Stephens	Walden
Dorsey	Rogers	Swift	

—15

And said bill, as thus amended, was read a third time at length and lost by failure to receive the required constitutional majority.

Yeas, 16; Nays, 12.

*Yeas:**Messrs.:*

Bonner	Kelly	Russell	Taylor
Browder	Mooneyham	Simpson	Tucker
Carlton	McDowell	Stephens	Walden
Dorsey	Rogers	Swift	Woodall

—16

*Nays:**Messrs.:*

Chesnut	Locke	Riddle	Stoddard
Cook	Mixon	St. John	Weaver
Kuykendall	Parrish	Starnes	Wellborn

—12

PAIRS ANNOUNCED

Mr. Thomas announced that he and Mr. Frazer were paired on this vote; that Mr. Frazer, if present, would vote "Aye," and he, Mr. Thomas, would vote "no."

Mr. Walton announced that he and Mr. Goldsmith were paired on this vote; that Mr. Goldsmith, if present, would vote "Aye," and he, Mr. Walton, would vote "no."

CONSIDERATION OF SPECIAL ORDER

The Senate then proceeded to the consideration of the Special Order for today, which was the bill:

S. 33. To appropriate the sum of three hundred and ninety-five thousand dollars (\$395,000), from the treasury of the State of Alabama; to designate the purpose of and to whom said appropriation shall be made; and to provide when same shall be paid and how the same shall be expended.

Was taken up.

Mr. Browder offered the following substitute for the bill, to-wit:

A BILL

To be entitled an act to appropriate the sum of one hundred and fifty thousand dollars (\$150,000.00) from the Treasury of the State of Alabama; to designate the purpose of and to whom said appropriation shall be made; and to provide when same shall be paid and how the same shall be expended.

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated out of the Treasury of the State of Alabama, to the Board of managers of the Partlow State School the sum of one hundred fifty thousand dollars (\$150,000.00) to be paid in annual installments of fifty thousand dollars (\$50,000.00) for the years 1936-37, and 1938-39.

Section 2. That the amount hereby appropriated is for the purpose of the erection, construction, equipping of and additions to certain buildings on the properties of The Partlow State School. The said Board of Managers is hereby given the discretion to ascertain and determine the buildings to be erected, and additions to be made.

Section 3. That the amount hereby appropriated is to be expended under the direction of the said Board of Managers, and same is to be drawn from the State Treasury on requisitions drawn on and presented to the State Comptroller, by the Superintendent of the Partlow State School, which said requisitions must be approved by the Governor, and from time to time and as required or needed for the erection, construction and additions as herein above provided for, and in payment for materials, labor, payment of contractors, and for all other expenses connected with the erection and construction of said buildings and additions. Said appropriation is made to cover said buildings and additions erected, constructed and made during a period immediately following the date of the approval of this Act by the Governor, to be

withdrawn and applied as provided in this Section 3 next above.

Section 4. That all laws, and parts of laws, in conflict herewith are hereby expressly repealed.

Section 5. That this Act shall become effective immediately upon its passage and approval by the Governor.

Which was adopted.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	St. John	Tucker
Browder	Mixon	Simpson	Walden
Carlton	Mooneyham	Starnes	Walton
Chesnut	McConnell	Stephens	Weaver
Dorsey	Riddle	Stoddard	Wellborn
Kelly	Rogers	Taylor	Woodall
Kuykendall	Russell	Thomas	

—27

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Starnes	Tucker
Browder	Mixon	Stephens	Walden
Carlton	Mooneyham	Stoddard	Walton
Chesnut	McConnell	Swift	Weaver
Dorsey	Riddle	Taylor	Wellborn
Kelly	Rogers	Thomas	Woodall
Kuykendall	St. John		

—26

Nays:—None.

BILLS ON THIRD READING

The bill:

S. 113. To amend Section 5 of an Act entitled "An Act to amend an Act entitled 'An Act to provide for the General Revenue of the State of Alabama, Approved July 10, 1935', by adding Schedule 155.4A and Schedule 155.4B to Section 348 of said Act, Approved December 17, 1936."

Was taken up.

Mr. Walton offered the following amendment to the bill, to-wit:

Amend Senate Bill No. 113 by striking out the following words where same appear in the last line of said Bill, "otherwise handling

of cotton and cotton seed," and insert in lieu thereof the following words, "otherwise handling of raw cotton and cotton seed."

Which was adopted.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:

Bonner	Mixon	St. John	Taylor
Browder	Mooneyham	Simpson	Tucker
Chesnut	McConnell	Starnes	Walden
Dorsey	Riddle	Stephens	Walton
Kelly	Rogers	Stoddard	Wellborn
Kuykendall	Russell	Swift	Woodall
Locke			

—25

Nays:—None.

Mr. Walton also offered the following amendment to the bill, to-wit:

Amend Senate Bill No. 113 by adding at the end of said Bill the following: "And shall not apply to persons, firms, corporations or associations engaged in selling new or used motor vehicles, and shall not apply to persons, firms, corporations or associations engaged in selling or otherwise handling of fertilizers, and shall not apply to the sale of text books to be used in the common schools and in the higher institutions of learning of the State of Alabama."

Which was adopted.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Russell	Taylor
Browder	Mixon	St. John	Walden
Chesnut	Mooneyham	Simpson	Walton
Dorsey	McConnell	Stephens	Weaver
Kelly	Riddle	Stoddard	Woodall
Kuykendall	Rogers	Swift	

—23

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 25; Nays, 1.

Yeas:

Messrs.:

Bonner	Kuykendall	Parrish	Simpson
Browder	Locke	Riddle	Stephens
Chesnut	Mixon	Rogers	Stoddard
Dorsey	Mooneyham	Russell	Swift
Kelly	McConnell	St. John	Taylor

Walden	Weaver	Wellborn	Woodall	
Walton				—25

Nay:—Mr. Starnes				— 1
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The bill:

H. 222. To provide for the compensation of members of the Board of County Commissioners of Bibb County out of the Gasoline Excise Tax Fund.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers	Swift
Browder	Locke	Russell	Tucker
Carlton	Mixon	St. John	Walden
Chesnut	Mooneyham	Simpson	Walton
Cook	McConnell	Starnes	Weaver
Dorsey	McDowell	Stephens	Wellborn
Kelly	Riddle		

—26

Nays:—None.

The bill:

H. 153. To authorize the payment of the members of the Court of County Commissioners of Choctaw County, Alabama, the sum of \$75.00 per month each out of the Excise Gasoline Tax Fund of the county for supervising the building and or maintaining public roads and or bridges in the county.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers	Swift
Browder	Locke	Russell	Tucker
Carlton	Mixon	St. John	Walden
Chesnut	Mooneyham	Simpson	Walton
Cook	McConnell	Starnes	Weaver
Dorsey	McDowell	Stephens	Wellborn
Kelly	Riddle		

—26

Nays:—None.

The bill:

S. 109. To provide that in all counties in the State of Alabama with a population of not less than 20,100, nor more than 20,500, according to the last or any subsequent Federal Census, the per diem and mileage and any and all other compensation which is now provided or may hereafter be provided by law for the members of the Commissioners Court, Board of Revenue or like gov-

erning body, shall be paid out of the proceeds of the gasoline excise tax fund accruing to the respective counties from the State of Alabama while the members of said bodies are engaged in the performance of their duties in connection with the supervision, construction, maintenance and/or repair of the public roads and/or bridges in their respective counties; to provide that nothing herein contained shall be construed as changing the per diem and mileage, or any and all other compensation which is now provided, or which may hereafter be provided by law for the members of said bodies in said counties; to repeal all laws and parts of laws, general, special and local in conflict herewith; and to provide for the effective date of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers	Swift
Browder	Locke	Russell	Tucker
Carlton	Mixon	St. John	Walden
Chesnut	Mooneyham	Simpson	Walton
Cook	McConnell	Stephens	Weaver
Dorsey	McDowell	Stoddard	Wellborn
Kelly	Riddle		

—26

Nays:—None.

The bill:

S. 110. To provide additional compensation for judges of the circuit court in judicial circuits of this state now or hereafter having two judges and now or hereafter composed of five counties, one of said counties having a population of not less than 55,000 according to the last or any succeeding Federal census, and to provide the way and manner of paying the same.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 21; Nays, 4.

Yeas:

Messrs.:

Browder	McConnell	St. John	Walden
Chesnut	Parrish	Starnes	Walton
Kelly	Riddle	Stephens	Weaver
Kuykendall	Rogers	Swift	Wellborn
Locke	Russell	Tucker	Woodall
Mooneyham			

—21

Nays:—Messrs.: Bonnor, Dorsey, Mixon and Taylor

— 4

The bill:

H. 305. To require the registration of all claims against the Fine and Forfeiture Fund of Etowah County, and prohibit the payment of claims not filed within the time provided by this act.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Mixon	Simpson	Tucker
Browder	Mooneyham	Starnes	Walden
Chesnut	McConnell	Stephens	Walton
Cook	McDowell	Stoddard	Weaver
Dorsey	Rogers	Swift	Wellborn
Kuykendall	Russell	Thomas	Woodall
Locke	St. John		

—26

Nays:—None.

The bill:

S. 134. To authorize and empower Boards of Education in all Counties in the State of Alabama with a population of not less than 26,930, nor more than 27,100, according to the last or any subsequent Federal Census, where the maximum salary of the superintendent of Education is prescribed by law, to fix, approve, and authorize the payment of the traveling expenses incurred by such Superintendent in the performance of his official duties within the County and the expenses incurred by him when his official duties require him to go outside of the County; to require such Superintendents of Education to prepare and file on forms to be prescribed by the State Board of Education a certified itemized statement of the expenses incurred; and to provide that the payment of the expenses hereby authorized shall not constitute a part of the official salary of such Superintendents.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Russell	Swift
Browder	Mixon	St. John	Tucker
Carlton	Mooneyham	Simpson	Walden
Chesnut	McConnell	Starnes	Walton
Cook	McDowell	Stephens	Weaver
Dorsey	Parrish	Stoddard	Wellborn
Kuykendall	Rogers		

—26

Nays:—None.

The bill:

S. 136. To provide for an increase in the salaries of firemen and policemen in incorporated cities of the State of Alabama now

or hereafter subject to or governed by a commission created or elected under and by authority of the General Act of Alabama of 1911 page 330 by setting aside or appropriating for such purpose one-third of the monies, or so much thereof as may be required, derived by each such city under the terms of the Alcoholic Beverage Control Act of this state, and to fix the method by which the salaries of policemen and firemen may be increased.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Mooneyham	Simpson	Tucker
Browder	McConnell	Starnes	Walden
Chesnut	McDowell	Stephens	Walton
Dorsey	Parrish	Stoddard	Weaver
Kuykendall	Rogers	Swift	Wellborn
Locke	Russell	Thomas	Woodall
Mixon	St. John		

—26

Nays:—None.

The bill:

H. 72. To amend Schedule 155.7 of Section 348 of Article XIII, Chapter 3, of an act entitled "An act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Was read a third time at length and passed.

Yeas, 23; Nays, 1.

Yeas:

Messrs.:

Bonner	Mixon	St. John	Walden
Browder	McConnell	Simpson	Walton
Chesnut	Parrish	Starnes	Weaver
Dorsey	Riddle	Stephens	Wellborn
Kelly	Rogers	Swift	Woodall
Locke	Russell	Tucker	

—23

Nay:—Mr. Taylor

— 1

The bill:

S. 64. To make an appropriation to provide for carrying out the provisions of an Act approved August 1, 1931, entitled "An Act to provide for educational opportunities for the children of soldiers, sailors and marines who were killed in action or died during the World War; to provide an appropriation, to define its uses and administration."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Browder	McConnell	Simpson	Walden
Chesnut	Parrish	Starnes	Walton
Kelly	Riddle	Stephens	Weaver
Kuykendall	Rogers	Swift	Wellborn
Locke	Russell	Taylor	Woodall
Mixon	St. John	Tucker	

—23

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Cook:

H. 246. To amend Section 7409 of the Code of Alabama of 1923, as amended by an Act of the Legislature of 1933, approved April 19, 1933.

Also:

By Mr. Hill:

H. 184. To make an appropriation to the State Department of Public Welfare for aid to the needy aged, to needy dependent and neglected children, and to the blind and otherwise handicapped needy persons, and to provide for the expenditure of such funds.

Also:

By Mr. Hill:

H. 260. To provide that the State Department of Public Welfare shall perform all duties incident to the payment of pensions to those persons entitled thereto under the provisions of Chapter 55, Article 1 of the Code of Alabama of 1923 as amended; and to provide that the County Department of Public Welfare shall perform all duties incident to the receipt and delivery of such pensions; and to require the State Auditor to furnish the State Department of Public Welfare with proper certifications of all persons eligible for pension under the provisions of Chapter 55, Article 1 of the Code of Alabama of 1923 as amended.

Also:

By Mr. Braswell:

H. 159. To amend Schedule 133 of Section 348 of Article 13, Chapter 1, of an act entitled "An act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Also:

By Mr. Reeder:

H. 173. To regulate hunting, trapping, capturing, injuring, killing or destroying, or attempting to hunt, trap, capture, injure, kill or destroy wild game on the lands of another without written permission and to provide penalties for violation of the provisions of this Act.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing Message from the House were severally read one time at length and referred to appropriate Standing Committees as follows:

H. 246 and H. 260—To the Committee on Judiciary.

H. 184 and H. 159—To the Committee on Finance and Taxation.

H. 173—To the Committee on Fish and Game.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 105. To amend an act entitled an Act "To create and establish a Board of Revenue in and for Limestone County, Alabama, to be composed of five members, one of whom shall be chairman of said board; to fix the qualifications of the chairman and the members of said board; to provide where the chairman and members of said board shall reside during their term of office; to abolish the Court of County Commissioners of said County; to divide said County into four districts and to define the boundaries of each of said districts; to designate, declare and appoint a member from each of said districts and to define the term of office of each of said members of the Board of Revenue so designated, declared and appointed; to provide for the appointment of the chairman of said board and to fix the term of office under said appointment; to provide for the filling of vacancies in said board; to provide for the nomination of the chairman and each member of said board; to provide for the election of the chairman

of the said board and the members designated, declared and appointed by this Act at the expiration of their respective terms of office; to define the power and jurisdiction of the said board; to fix the compensation of the chairman and members of said board; to confer upon the said board all the jurisdiction, power and authority granted by law to Courts of County Commisisoners, Boards of Revenue or other governing bodies of like name or authority in this State; to repeal all laws in conflict with this Act, approved July 27, 1931, by amending Sections 5 and 22 of said Act.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Hall:

H. 349. To authorize the Commissioner Court of Greene County, Alabama, to transfer Fifteen Thousand dollars from the Gasoline Fund to the General Fund of said County.

With notice and proof thereto attached and herewith exhibited as follows:

AN ACT

To authorize the Commissioners Court of Greene County, Alabama to transfer Fifteen Thousand dollars from the Gasoline Fund to the General Fund at said County.

Be it enacted by the Legislature of Alabama:

That the Commissioners Court of Greene County, Alabama, be and they are hereby authorized to transfer Fifteen Thousand Dollars from the Gasoline Fund to the General Fund of said County.

The above act will be introduced in the present session of the Legislature.

L. H. Montgomery.

AFFIDAVIT

STATE OF ALABAMA }
GREENE COUNTY }

Before me personally appeared Jas. S. Coleman, who being duly sworn, states on oath that he is the editor of the Greene County Democrat, a weekly newspaper published in Greene County, Alabama, and that the attached notice, in re: An Act To authorize the Commissioners Court, etc. was published in said Greene County Democrat for four consecutive weeks, viz: Jan. 6, 13, 20, 27, 1937.

Jas. S. Coleman.

Sworn to before me this 28th day of Jan. 1937.

(Seal) Emmett F. Hildredth
Notary Public in and for Greene County, Alabama.

Also:

By Mr. Merrill:

H. 342. To authorize and direct the members of the Court of County Commissioners of Cleburne County to supervise and inspect the construction and maintenance of roads and bridges and to provide that compensation for all supervision of road and bridge work be paid out of the Gasoline Excise Tax Fund of Cleburne County and to provide when this Act shall become effective.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL

To Be Entitled An Act to authorize and direct the members of the Court of County Commissioners of Cleburne County to supervise and inspect the construction and maintenance of roads and bridges and to provide that compensation for all supervision of road and bridge work be paid out of the Gasoline Excise Tax Fund of Cleburne County and to provide when this Act shall become effective.

Be It Enacted by the Legislature:

SECTION 1. That the members of the Court of County Commissioners of Cleburne County are authorized and directed to supervise and inspect the construction and maintenance of roads and bridges in their respective districts and the compensation for their services shall be limited to Thirty-five Dollars, per month.

SECTION TWO. That salary for all supervision of road and bridge work, both by the members of the Commissioners Court and the County Road Supervisor, shall be paid out of the Gasoline Excise Tax Fund of Cleburne County.

SECTION THREE: This Act shall become effective upon approval by the Governor.

State of Alabama
Cleburne County

I, R. A. Dodson, Publisher of The Cleburne News, hereby certify that the above and foregoing was published in The Cleburne News, a newspaper published in Cleburne County, Alabama, in the following issues: Jan. 14th, 21st, 28th, and Feb. 4th, 1937.

R. A. Dodson,
Publisher The Cleburne News.

Sworn to and subscribed before me this the 4th day of Feb. 1937.

Myrl Wager,
N. P. & Ex-Off. J. P.

Also:

By Mr. Todd:

H. 309. To authorize any municipality of over one hundred thousand population according to the last or any subsequent Federal Census to issue new bonds for mutilated bonds.

And ordered sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing Message from the House were severally read one time at length and referred to appropriate standing committees as follows:

H. 349 and H. 342—To the Committee on Finance and Taxation.

H. 309—To the Committee on Local Legislation.

BILLS INDEFINITELY POSTPONED

On motion of Mr. Walton, further consideration of the bills:

S. 111. To amend Section 5 of an Act entitled "An Act to amend an Act entitled, 'An Act to provide for the General Revenue of the State of Alabama, approved July 10, 1935', by adding Schedule 155.4A and Schedule 155.4B to Section 348 of said Act, approved December 17, 1936."

S. 137. To amend Section 5 of an Act entitled, "An Act to amend an Act entitled, "An Act to provide for the General Revenue of the State of Alabama, Approved July 10, 1935,' by adding Schedule 155.4A and Schedule 155.4B to Section 348 of said Act," Approved December 17, 1936."

Was indefinitely postponed by the Senate.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the twenty-third Legisla-

tive day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the twenty-third Legislative day approved by the Senate.

ADJOURNMENT

At 6:20 P. M. on motion of Mr. Dorsey and in accordance with joint resolution heretofore adopted, The Senate adjourned until ten o'clock, Friday, February 12th, 1937.

TWENTY-FOURTH DAY

Friday, February 12th, 1937.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The session was opened with prayer by Rev. H. G. Earnest, Doorkeeper of the Senate.

ROLL CALL

Present:

Messrs.:			
Bonner	Kuykendall	Rogers	Taylor
Browder	Locke	Russell	Thomas
Carlton	Mixon	St. John	Tucker
Chesnut	Mooneyham	Simpson	Walden
Cook	McConnell	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Frazer	Parrish	Stoddard	Wellborn
Goldsmith	Richardson	Swift	Woodall
Kelly	Riddle		

—34

JOURNAL

On motion of Mr. Mooneyham the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 72. To amend Schedule 155.7 of Section 348 of Article XIII, Chapter 3, of an act entitled "An act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

Also:

H. 153. To authorize the payment of the members of the Court of County Commissioners of Choctaw County, Alabama, the sum of \$75.00 per month each out of the Excise Gasoline Tax Fund of the county for supervising the building and or maintaining public roads and or bridges in the county.

Also:

H. 222. To provide for the compensation of members of the Board of County Commissioners of Bibb County out of the Gasoline Excise Tax Fund.

Also:

H. 232. To alter and re-arrange the boundaries of the city of Prichard.

Also:

H. 305. To require the registration of all claims against the Fine and Forfeiture Fund of Etowah County, and prohibit the payment of claims not filed within the time provided by this act.

Also:

H. 273. To amend Sub-division VI of Section I of an Act entitled, "An Act to make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt, and for the public shools," approved September 6, 1935."

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presene of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately

after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bill with the engrossed and original bill, respectively, and finds same correctly enrolled, to-wit:

S. 105. To amend an act entitled an Act "To create and establish a Board of Revenue in and for Limestone County, Alabama, to be composed of five members, one of whom shall be chairman of said board; to fix the qualifications of the chairman and the members of said board; to provide where the chairmen and members of said board shall reside during their term of office; to abolish the Court of County Commissioners of said County; to divide said County into four districts and to define the boundaries of each of said districts; to designate, declare and appoint a member from each of said districts and to define the term of office of each of said members of the Board of Revenue so designated, declared and appointed; to provide for the appointment of the chairman of said board and to fix the term of his office under said appointment; to provide for the filling of vacancies in said board; to provide for the nomination of the chairman and each member of said board; to provide for the election of the chairman of the said board and the members designated, declared and appointed by this Act at the expiration of their respective terms of office; to define the power and jurisdiction of the said board; to fix the compensation of the chairman and members of said board; to confer upon the said board all the jurisdiction, power and authority granted by law to Courts of County Commissioners, Boards of Revenue or other governing bodies of like name or authority in this State; to repeal all laws in conflict with this Act, approved July 27, 1931, by amending Sections 5 and 22 of said Act.

Earl Thomas,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the

Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

By Mr. Woodall:

S. 5. To define homesteads as herein used and to exempt such homesteads from such State ad valorem taxation.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

REPORT OF COMMITTEES

Mr. Tucker, Chairman of the Standing Committee on Insurance, reports that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Chichester:

H. 54. To prohibit the making or circulation of false statements or rumors derogatory of the solvency or financial condition of insurance companies or associations, and to provide penalties for the violations of the provisions of this act.

By Mr. Chichester:

H. 55. To Amend Section 8351 of the Code of Alabama of 1923.

By Mr. Chichester:

H. 58. To Amend Sections 8379, 8380 and 8382 of the Code of Alabama of 1923.

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Taylor:

H. 294. To require all incorporated towns or cities in counties which may now or hereafter have a population of not less than 100,000 and not more than 300,000 according to the last or

any succeeding federal census, to pay such county the reasonable cost of maintaining all persons at the county poor asylum or county detention homes who were residents of any such town or city at the time of their entrance therein; and to provide the method of accounting and payment therefor.

By Messrs. Propst and Johnston (with amendment):

H. 325. To create and establish the Calhoun County Court; to define its jurisdiction and powers; to vest it with the powers and jurisdiction heretofore exercised by the Court of Common Pleas of Calhoun County; to provide for the transfer of the cases from the dockets of the Court of Common Pleas to the Calhoun County Court; to abolish the Court of Common Pleas; to abolish the office of justice of the peace in Precincts 15 and 20; to provide for the officers of said court, their powers, duties, tenure and compensation; to prescribe rules of procedure for said court; and to provide for the execution of the process of said court and the operation thereof.

By Mr. Taylor:

H. 295. To provide that in all counties in Alabama having a population of not less than one hundred ten thousand (110,000) and not more than two hundred (200,000) thousand, the judge or judges of the Circuit Court of said counties, shall be furnished on his or their requisition to the Board of Revenue and Road Commissioners of such counties, and payable out of the county treasury, all necessary books, stationery, typewriters, postage and other necessary office equipment and expenses.

By Mr. Simpson:

S. 144. To amend Section 7 of an Act entitled "An Act to abolish the Board of Revenue or Commissioners Court in all counties of this state having a population of 300,000 inhabitants or more according to the last or any subsequent Federal census and to establish in such counties a County Commission; to provide for the election of the members of said Commission, to fix the term of office, to define the powers and duties of such Commission and to fix the compensation of the members thereof." Approved June 16, 1931.

By Mr. Todd (by request):

H. 141. To amend and revise an Act entitled "An Act to amend Section I, II, III, IV, V, VI, VII, VIII, IX, X, XI, and XII, of an Act entitled 'An Act to regulate the occupation and practice of Cosmetology in all Counties of the State of Alabama now having or which may hereafter have a population of 400,000 or more according to the last or any subsequent Federal census; to establish a Board of Cosmetological Examiners in each of such

Counties; to define the duties of such Boards, the election of officers, etc. and their duties; provide for the salaries of such Boards and the employees of such Boards, to define what shall constitute the practice of Cosmetology in such Counties; to set up qualifications for apprentices or students in such Counties and for admission to practice Cosmetology; to provide for issuance of certificates of registration for shops and schools in such Counties; to provide requirements of shops and schools teaching Cosmetology in such Counties, provide for the refusal or revocation of certificates of registration in such Counties, the requirements of renewal of registration and licenses in such Counties and penalties for the violation of this Act, which became a law July 23rd, 1931,' approved March 31st, 1936," and to repeal Section XII thereof; to provide for the payment and levy of licenses; and to provide penalties for the violation of this Act.

BILLS ON THIRD READING

The bill:

H. 225. To provide for the designation of Banks as custodians of County Funds in counties having a population of less than 15,000 according to the last or any subsequent Federal census, and to prescribe regulations for such custodians of County Funds, and to prescribe when this act shall go into effect.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Rogers	Thomas
Browder	Mixon	Russell	Tucker
Carlton	Mooneyham	Starnes	Walton
Chesnut	McConnell	Stephens	Weaver
Cook	McDowell	Swift	Wellborn
Dorsey	Richardson	Taylor	Woodall
Frazer	Riddle		

—26

Nays:—None.

The bill:

H. 321. To amend a local act of the Legislature of Alabama for St. Clair County, approved June 6, 1931, by amending Section 4 thereof so as to allow the County Superintendent of Education travel expenses incident to the duties of his office, not to exceed the sum of Twelve Hundred Dollars per annum.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Stoddard
Browder	Kuykendall	Rogers	Taylor
Carlton	Locke	Russell	Thomas
Chesnut	Mixon	St. John	Tucker
Cook	Mooneyham	Simpson	Weaver
Dorsey	McConnell	Starnes	Wellborn
Frazer	McDowell		

—26

Nays:—None.

The bill:

H. 322. To provide for the election of a County Superintendent of Education for St. Clair County; Alabama by the qualified electors thereof, to fix the term of office, to prescribe the duties and qualifications, to fix the salary and expense allowance, to outline the duties and powers, vacancies and how filled, when Act to take affect.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Russell	Taylor
Browder	Mixon	Simpson	Thomas
Carlton	Mooneyham	Starnes	Tucker
Chesnut	McConnell	Stephens	Weaver
Cook	McDowell	Stoddard	Wellborn
Dorsey	Riddle	Swift	Woodall
Frazer	Rogers		

—26

Nays:—None.

The bill:

S. 143. To amend the Title and Sections 12, 16, 17 and 18 of an Act entitled "An Act relating to dependent, neglected or delinquent children in all counties of Alabama, which now have or which may hereafter have a population of not less than seventy-five thousand people and not more than one hundred thousand people according to the last Federal Census or any such census that may be taken hereafter to declare who are dependent, neglected or delinquent children, to declare that such children shall be wards of the State, to provide for their custody, discipline, supervision, care, protection, guardianship, and welfare; to create and establish in such counties Juvenile and Domestic Relations Courts and to provide for their equipment and maintenance; to create and confer upon such courts jurisdiction under the terms of this act; to try and determine the question on dependency, neglect or delin-

quency of children in such counties; and when found to be such to adjudicate and determine all questions as to their guardianship custody, supervision, discipline, care, control, protection and training, and generally to confer upon such court jurisdiction and power to try and determine all questions arising under the terms of this act, or which may otherwise be referred to them by law for adjudication, or which may be necessary or convenient to the exercise of such jurisdiction or to carry out the purposes and intent of this act; to provide for the trial and punishment of those who aid, abet, cause or connive at or contribute to the delinquency, neglect or dependency of such children; to provide and regulate the procedure in such cases; to confer power upon such courts to make rules and regulations; and to provide such forms when not otherwise provided for, under the terms of this act as shall be found necessary or convenient to the exercise of its jurisdiction or for the conduct of probation officers or their work, as provided for in this act; to provide for the taking and enforcing of recognizances and bonds and for the taking of appeals from the decisions of such court; to provide for the trial of any delinquent in a criminal court of competent jurisdiction who has shown himself or herself to be unamenable to the discipline provided for such delinquent as provided under the terms of this act; and for the appointment of an Advisory Board to such court and to define the duties and powers of such court; to provide for the selection of the Judge and other Officers of such court and to define their powers and duties; and to provide for their compensation; to declare that should any part of this act be found unconstitutional that it shall not effect the remainder thereof and to provide for the repeal of all laws in conflict with this act." (Approved February 26, 1931, and as amended by an Act approved January 31, 1935)

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Mixon	Russell	Thomas
Browder	Mooneyham	Simpson	Tucker
Carlton	McConnell	Starnes	Walden
Dorsey	McDowell	Stoddard	Walton
Frazer	Richardson	Swift	Wellborn
Kelly	Riddle	Taylor	Woodall
Locke	Rogers		

—26

Nays:—None.

The bill:

H 179. To further provide for the general revenue of the State of Alabama, and to repeal an Act entitled, "To be entitled an Act to amend an Act entitled 'An Act to provide for the general revenue of the State of Alabama, approved July 10, 1935' by adding Schedule 155.4A and Schedule 155.4B to Section 348 of said Act, approved December 17, 1936."

Was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to said bill, to-wit:

Amend Section 4 of House Bill 179 by adding at the end thereof the following provisions:

"(1) Amounts received from sales by manufacturers of articles manufactured by them in this State or the amounts received from sales by parties of products or materials mined or quarried by them in this State, except or sales to consumers."

TO AMEND HOUSE BILL NO. 179: SUB-SECTION (H) OF SECTION 4 BY striking out the words "Where the sale price is fixed by State contract" and substituting in lieu thereof the following words: "purchased for use in public schools or institutions of higher learning in the State."

On motion of Mr. Riddle the amendment offered by the Committee on Finance and Taxation was tabled.

Mr. Riddle offered the following substitute for said bill, to-wit:

A BILL

To be entitled An Act to further provide for the general revenue of the State of Alabama, and to repeal an Act entitled, "To be entitled an Act to amend an Act entitled, 'An Act to provide for the general revenue of the State of Alabama, approved July 10, 1935,' by adding Schedule 155.4A and Schedule 155.4B to Section 348 of said Act, approved December 17, 1936."

Be it enacted by the Legislature of Alabama:

Section 1. (a) That when used in the following sections of this Act, numbered from two to thirty-one, both inclusive, the term "person" or the term "company" herein used interchangeably, includes any individual, firm, co-partnership, association or corporation or any other group or combination acting as a unit and the plural as well as the singular number, unless the intention to give a more limited meaning is disclosed by the context.

(b) The term "Commission" or "Commissioner" means the State Tax Commission of the State of Alabama.

(c) The term "tax year" or "taxable year" means the calendar year.

(d) The term "sale" or "sales" includes installment and credit sales and the exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale.

(e) The term "gross proceeds of sales" means the value proceeding or accruing from the sale of tangible personal property (and including the proceeds from the sale of any property handled on consignment by the taxpayer), including merchandise of any kind and character without any deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid, or any other expenses whatsoever, and without any deductions on account of losses; provided that cash discounts allowed and taken on sales shall not be included, and "gross proceeds of sales" shall not include the sale price of property returned by customers when the full sale price thereof is refunded either in cash or by credit, nor the sale of any article accepted as part payment on any new article sold if and when the full sale price of the new article is included in the "gross receipts" of the taxpayer.

(f) The word "taxpayer" means any person liable for taxes hereunder.

(g) The term "gross receipts" means the value proceeding or accruing from the sale of tangible, personal property, including merchandise and commodities of any kind and character, all receipts actual and accrued, by reason of any business engaged in, (not including, however, interest, discounts, rentals or royalties) and without any deduction on account of the cost of the property sold, the cost of the material used, labor or service cost, interest paid, or any other expenses whatsoever and without any deductions on account of losses.

(h) The term "wholesale sale" or "sale at wholesale" means a sale of tangible personal property by wholesalers to licensed retail merchants, jobbers, dealers, or other wholesalers for resale and does not include a sale by wholesalers to users or consumers, not for resale. The term "wholesale sale" shall include a sale of tangible personal property or products to a manufacturer, mine, quarry operator, or compounder which enters into and becomes an ingredient or component part of the tangible personal property or products which he manufactures and machinery used in such compounding, mining, quarry operator, manufacturing, or processing.

(i) The term "sale at retail" or "retail sale" shall mean all sales of tangible personal property except those above defined as wholesale sales. The quantities of goods sold or prices at which sold are immaterial in determining whether or not a sale is at retail, except as herein expressly provided. Sales of building materials to contractors, builders or landowners for resale or use in

the form of real estate are retail sales in whatever quantity sold. Sales of tangible personal property or products to manufacturers, quarry, mine operators, or compounders, which are consumed by them in manufacturing, mining, quarrying, or compounding and do not become an ingredient or component part of the tangible personal property manufactured or compounded are retail sales.

(j) The word "business" as used in this Act, shall include all activities engaged in, or caused to be engaged in, with the object of gain, profit, benefit or advantages, either direct or indirect, and not excepting subactivities producing marketable commodities used or consumed in the main business activity, each of which subactivities shall be considered business engaged in, taxable in the class in which it falls.

Section 2. There is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as here-in provided, privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

(a) Upon every person, firm or corporation engaged or continuing within this State in business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, (not including, however, bonds, or other evidences of debt or stocks) an amount equal to two per cent of the gross proceeds of sales of the business, except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately, the gross proceeds of sale of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business.

(b) Upon every person, firm or corporation engaged or continuing within this State in the business of selling any automotive vehicle, an amount equal to one per cent (1%) of the gross proceeds of the sale of said automotive vehicle.

(c) Upon every person, firm or corporation engaged or continuing within this State in the business of conducting places of amusement and/or entertainment, billiard and pool rooms, bowling alleys, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling and prize fights, boxing exhibitions, football and baseball games, skating rinks, race tracks, golf courses, or any other places at which amusement or entertainment is offered to the public, including public bathing, public dance halls of every kind and description

within the State of Alabama, an amount equal to two per cent of the gross receipts of any such business.

(d) A situs is hereby declared to exist for the purpose of this Act and there is hereby levied a tax of two percent on the fair market value of goods, wares and merchandise, motor vehicles, radio receiving sets, phonograph mechanisms, and all articles of trade imported or brought into this State by any consumer on which the tax herein levied has not been paid; provided, said goods, wares and merchandise have terminated their movement into the State of Alabama and the original package in which they were imported has been broken and they have been within the confines of the State of Alabama for a period of more than twenty-four hours prior to their consumption by the importer thereof.

(e) A license tax is hereby levied upon all salesmen and solicitors whose stock of goods, wares and merchandise are located without the State of Alabama and on which the tax herein levied is not paid before delivery to the consumer based upon two per cent of the fair market value of the goods, wares and merchandise sold to consumers, within this State, by the solicitors or salesmen. The price charged to the consumer or user for the goods, wares and merchandise shall be prima facie evidence of their fair market value.

(f) There shall be excepted from the gross receipts of sale so as not to be taxed so much thereof as is derived from business conducted in commerce between this State and other states of the United States, or between this State and foreign countries, which the State of Alabama is prohibited from taxing under the Constitution of the United States of America, and there shall also be excepted from the gross receipts of sales so as not to be taxed so much thereof as is derived from sales of merchandise and commodities to incorporated cities and towns and the State of Alabama where such merchandise and commodities are purchased for lawful municipal or state purposes.

(g) Section 350 (b) of Article 14, Chapter I, of an Act to provide for the general revenue for the State of Alabama, approved July 10, 1935, shall not apply to the license or privilege tax levied under provisions of this Act.

Section 3. If any person, on or after the passage of this Act, shall engage in or continue in any business for which a privilege tax is imposed by Section 2 of this Act, as a condition precedent to engaging or continuing in such business, he shall apply for and obtain from the Commission a license to engage in and to conduct such business for the current tax year upon the condition that he shall pay the taxes accruing to the State of Alabama under the provisions of this Act, provided, however, that no license shall be issued under the provisions of this Act to any person who has not

complied with the provisions of this Act, and no provision of this Act shall be construed as relieving any person from the payment of any license or privilege tax now imposed by law.

Section 4. Exemptions. There are, however, exempted from the provisions of this Act:

(a) Insurance companies upon which the statutes of the State of Alabama levy a tax based upon premiums.

(b) Building and Loan Associations, State and National Banks, and Mutual Savings Banks, not having a capital stock represented by shares and which are operated exclusively for the benefit of their depositors.

(c) Amounts received from the sale or sales of live stock, poultry, and other products of farm, dairy, grove, or garden, when said sale or sales are made by the producer or members of his immediate family or employees forming a part of the producer's organization, in the original state of condition of preparation for sale, and the amount received from the sale or sales of fertilizer, seeds for planting purposes, boxes and/or crates, paper or cloth bags for use in preparing agricultural products for market. Provided, however, that nothing contained herein shall be construed as exempting amounts received from the sale of nursery stock or floral products.

(d) Amounts received under life, sick, accident, health, fire, public liability, and property damage insurance policies.

(e) Amounts received under life insurance, endowment or annuity contracts, either during the term or at maturity or upon surrender of the contract.

(f) Amounts received from the sale of used automotive vehicles, which vehicles are commonly known to the trade as secondhand automotive vehicles.

(g) Amounts received from the sale of textbooks used in elementary schools, high schools, and institutions of higher learning.

(h) Amounts received by hospitals, infirmaries, and/or sanitariums.

(i) Provided, however, that the provisions of Section 2 of this Act shall not apply to (1) amounts received from the sale of newspapers and agricultural and religious publications, and magazines or to sale of advertising space in said newspaper or publication, or to the sale of time or the facilities of any radio broadcasting station, or to those engaged in making such sales, or to indoor and outdoor advertising; (2) amounts received from the sale of gasoline, and lubricating oils, otherwise taxed, or of cigars, cigarettes, and tobacco products otherwise taxed, or from the sale of alcoholic and/or cereal beverages upon the sale of which a tax is now otherwise levied and collected as provided by law; (3) or to the receipts from any business on which or for engaging in which a li-

cense or privilege tax is levied by or under the provisions of Section 140, Section 141, Section 145, Section 146, Section 147, Schedule 91 of Section 348, Schedule 92 of Section 348, Section 149, or Schedule 159 of Section 348, of an Act approved July 10, 1935, and entitled, "An Act to provide for the general revenues of the State of Alabama; "(4) or to the receipts of any street railway or any utility from the sale of transportation, or to the sale or sales of gas, water, or electricity.

(j) Amounts received from the sale of sweet milk, buttermilk, corn meal, flour, dry salt sides, salt fat backs, plates, bellies, sugar, and coffee.

(k) Amounts received by manufacturers, compounders, processors, producers, miners, and quarriers from sales to consumers in carload lots or in larger quantities except as otherwise expressly provided in Section 1 of this Act.

Section 5. The taxes levied hereunder except as otherwise provided under this Act shall be due and payable in monthly installments, on or before the 20th day of the month next succeeding the month in which the tax accrues. The taxpayer shall, on or before the 20th day of the month make out a return, showing the amount of the tax for which he is liable, for the preceding month, and shall mail the same, together with a remittance, in the form required by Section 18 of this Act, for the amount of the tax, to the office of the Commissioner. Such monthly return shall be signed by the taxpayer or a duly authorized agent of the taxpayer, but need not be verified by oath.

(b) Provided, however, that any person taxable under this Act, having cash and credit sales, may report such cash sales, and the taxpayer shall thereafter include in each monthly report, all credit collections made during the month next preceding, and shall pay the taxes due thereon at the time of filing such report, but in no event shall the gross proceeds of credit sales be included in determining the measure of the tax to be paid until collection of such credit sales shall have been made.

(c) Provided, however, that when the total tax for which any person is liable under this Act does not exceed the sum of Ten (\$10.00) for any month, a quarterly return and remittance in lieu of the monthly return may be made on or before the 20th day of the month next succeeding the end of the quarter for which the tax is due.

(d) Provided, further, that when the total tax for which any person is liable under this Act does not exceed the sum of Ten Dollars (\$10.00) in any quarter year, he shall not be required to make either monthly or quarterly returns, but an annual return and remittance shall be required under rules and regulations to be prescribed by the Commission, such annual return and remit-

tance to be made on or before the 30th day of the month next succeeding the end of the tax year for which tax is due.

(e) The monthly, quarterly and annual returns required under this Act shall be made upon forms to be prescribed by the Commission.

(f) The Commission for good cause may extend the time for making any return required under the provisions of this Act, and may grant such reasonable additional time within which to make such return as he may deem proper, but the time for filing any such return shall not be extended beyond the 20th day of the month next succeeding the regular due date of such return.

Section 6. Returns To Be Made—When—How Made—On or before thirty days after the end of the tax year, each person liable for the payment of a privilege tax under Section 2 of this Act shall make a return showing the gross proceeds of sales, or gross receipts of business, and compute the amount of tax chargeable against him in accordance with the provisions of this Act, and deduct the amount of monthly or quarterly payments, (as hereinbefore provided) if any, and transmit with his report a remittance in the form required by Section 18 of this Act covering the residue of the tax chargeable against him to the office of the Commission; such returns shall be verified by the oath of the taxpayer, if made by an individual, or by the oath of the President, Vice-President, Secretary or Treasurer of a corporation, if made on behalf of a corporation. If made on behalf of a partnership, joint adventure, association, trust, estate, or any other group or combination acting as a unit, the oath shall be made by a duly authorized agent of the taxpayer. If for any reason it is not practicable for the individual taxpayer to make the oath, the same may be made by any duly authorized agent. The Commission for good cause shown may extend the time for making the annual return on the application of any taxpayer and may grant such reasonable additional time within which to make the same as may, by him be deemed advisable.

Section 7. COMMISSION TO CORRECT ERROR

(a) As soon as practicable after the return is filed the Commission shall examine it, if it then appears that the correct amount of tax is greater or less than that shown in the return, the tax shall be recomputed. If the amount already paid exceeds that which should have been paid on the basis of the tax so recomputed, the excess so paid shall be refunded to the taxpayer in accordance with the provisions of this Act.

(b) If the amount already paid is less than the amount which should have been paid, the difference to the extent not covered by any credit under this Act, together with interest thereon at the rate of one-half of one per cent per month from the time the tax

was due shall be paid upon notice and demand by the Commission.

(c) If any part of the deficiency is due to fraud with intent to evade the tax, then there shall be added as damages not more than one hundred per cent of the total amount of the deficiency in the tax, and in such a case the whole amount of tax unpaid, including charges so added shall become due and payable upon notice and demand by the Commission, and an additional one per cent per month on the tax shall be added from the date such tax was due until paid.

(d) If any part of the deficiency is due to negligence or intentional disregard of authorized rules and regulations with knowledge thereof, but without intent to defraud, there shall be added as damages, ten per cent of the total amount of the deficiency in the tax, and interest in such a case shall be collected at the rate of one per cent per month on the amount of such deficiency in the tax from the time it was due, which interest and damages shall become due and payable upon notice and demand by the Commission.

Section 8. Taxpayers Must Keep Records—Failure To Make Returns—Duty and Power of Commission. It shall be the duty of every person engaging or continuing in this State in any business for which a privilege tax is imposed by this Act to keep and preserve suitable records of the gross receipts and/or gross receipts of sales of such business and such other books or accounts as may be necessary to determine the amount of tax for which he is liable, under the provisions of this Act. And it shall be the duty of every such person to keep and preserve, for a period of two years, all invoices of goods, wares and merchandise purchases, for resale, and all such books, invoices and other records shall be open for examination at any time, by the Commission or its duly authorized agent.

If no return is made by any taxpayer required to make returns as provided herein, the Commission shall give written notice by registered mail to such taxpayer to make such returns within thirty days from the date of such notice and if such taxpayer shall fail or refuse to make such returns as he may be required to make in such notice, then such returns shall be made by the Commission from the best information available, and such returns shall be prima facie correct for the purposes of this act, and the amount of tax shown due thereby shall be a lien against all the personal property of the taxpayer until discharged by payment and if payment be not made within thirty days after demand therefor by the Commission there shall be added not more than one hundred per cent as damages together with interest at the rate of one per cent per month on the tax from the time such tax was due. If such tax be paid within thirty days after notice by the Commission then

there shall be added ten per cent as damages and interest at the rate of one per cent per month from the time such tax was due until paid.

Section 9. Tax Shall Be Lien. The tax imposed by this Act shall be a lien upon the personal property of any person subject to the provisions hereof. Any person subject to the provisions hereof who shall sell out his business or stock of goods, or shall quit business, and such person shall be required to make out the return provided for under Section 6 within thirty days after the date he sold out his business, or stock of goods, or quit business, and his successor in business shall be required to withhold sufficient of the purchase money to cover the amount of said taxes due and unpaid until such time as the former owner shall produce a receipt from the Commission showing that the taxes have been paid, or a certificate that no taxes are due. If the purchaser of a business or stock of goods shall fail to withhold purchase money as above provided and the taxes shall be due and unpaid after the thirty day period allowed, he shall be personally liable for the payment of the taxes accrued and unpaid on account of the operation of the business by the former owner.

Section 10. Aggrieved Person May File Petition.

(a) If any person feels aggrieved by the assessment made upon him for any year by the Commission, he may apply to the Tax Commission by petition, in writing, within thirty days after the notice is mailed to him, for a hearing and correction of the amount of the tax so assessed upon him by the Commission, in which petition he shall set forth the reasons why such hearings, should be granted and the amount in which such tax should be reduced. The Tax Commission shall promptly consider such petition, and may grant such hearing or deny the same. If denied, the petitioner shall be forthwith notified thereof; if granted the Tax Commission shall notify the petitioner of the time and place fixed for such hearing. After such hearing, the Tax Commission may make such order in the matter as may appear to it just and lawful, and shall furnish a copy of such order to the petitioner. Either the State or the taxpayer may appeal from any final assessment made by the State Tax Commission. If the appeal is by the State such appeal shall be made by the Attorney General filing the written notice with the Secretary of the State Tax Commission, and with the Register of the Circuit Court of Montgomery County in Equity, within thirty days after such assessment is made final. The State Tax Commission shall immediately give notice by registered mail to the taxpayer of the filing of such appeal by the State. If any taxpayer against whom an assessment is made by the State Tax Commission under any assessment required by law to be made by the State Tax Commission, is dissatisfied with the final assess-

ment as fixed by the said State Tax Commission, he may appeal from said final assessment to the Circuit Court of Montgomery County, sitting in Equity, or, in cases other than public utilities, to the Circuit Court of the County in which the taxpayer resides if the taxpayer has within the State a permanent residence, at the option of the taxpayer, by filing notice of appeal with the Secretary of the State Tax Commission and with the Register of the Circuit Court of the county to which the appeal shall be taken within thirty days from the date of said final assessment made and entered on the minutes of the Commission as required by law, and in addition thereto by giving bond conditioned to pay all costs to be filed with and approved by the Register of the Court to which the appeal shall be taken. The taxpayer shall pay the assessment so made before the same shall become delinquent and if such taxes are not paid before the same become delinquent, the Court shall upon motion *ex mero motu* dismiss such appeal. In such appeals the party taking the appeal shall be styled the appellant and the party against whom the appeal is taken shall be styled the appellee. The assessment made by the State Tax Commission shall *prima facie* be correct, and where the appeal is taken by the taxpayer the burden shall be on the appellant to show that such assessment is incorrect. The Circuit Court in Equity, or the Supreme Court of Alabama on appeal to it may, if it be of the opinion from all the evidence that the assessment as made is either too high or too low, fix the amount of such assessment. The Court shall hear such appeals according to its own rules and methods or procedure so far as practicable and shall decide all questions both as to the legality of the assessment and the amount thereof. No Court shall have the power to enjoin the collection of any taxes due on such assessments so appealed or to suspend the payment thereof. From the judgment of the Circuit Court in Equity, either the State or the taxpayer may appeal direct to the Supreme Court of Alabama, within thirty days of the rendition of the judgment; the taxpayer shall give security for the cost of such appeal to be approved by the Register of the Circuit Court from which the appeal shall be taken. If upon such appeal the assessment made by the State Tax Commission is reduced, the Court upon proof of payment of said tax shall ascertain and recite such fact in the judgment and shall ascertain and determine by its judgment or decree, the amount of tax which was invalid or which was excessive, and upon presentation of a certified copy of the judgment to the State Comptroller, it shall be the duty of the State Comptroller to draw his warrant on the State Treasurer in favor of such taxpayer for such an amount as the judgment of the Court shall ascertain and declare has been erroneously paid to the State, together with interest from date of payment, and such warrant of

the State Comptroller shall be paid out of any funds in the State Treasury as a current obligation of the year in which said refund is ordered. In the event the judgment of the Court shall fix an assessment greater than that appealed from when the taxpayer has paid the taxes on the assessment appeal from, the Court shall fix and determine the amount of such excess and the taxpayer and the sureties on his appeal bond shall be adjudged to pay the taxes due by reason of such increased assessment with interest from date of judgment and the lien and priorities of the State shall apply to such additional amount as in other cases. The Court in fixing the assessment shall order the assessing authorities to apportion the same and the collecting authorities to collect taxes thereon in the manner provided by law. It shall not be necessary for the taxpayer to protest against the payment of the tax or to make any demand to have the same refunded in order to maintain such suit in any suit to recover taxes paid or to collect taxes the court shall adjudge costs to such extent and in such manner as may be deemed equitable.

(b) It shall be the duty of any attorney for the Commission and/or the Attorney General to represent the Commission, or any agent or employee, and/or the State of Alabama in all legal matters relating to the enforcement, construction, application and administration of this Act, and in any litigation which may be instituted by the Commission or in which they or either of them may become involved, upon the order and under the direction of the Commission.

Section 11. Warrant for Collection of Tax. Tax Shall Constitute Debt due State.

(a) If any tax imposed or any portion of such tax be not paid within sixty days after the same becomes due, the Commission shall issue a warrant under official seal directed to the Sheriff of any county of the State commanding him to levy upon and sell the real and personal property of the person owing the same, found within his county, for the payment of the amount thereof, with damages, to the amount of ten per cent of the tax in addition to the penalties imposed for failure to make or for making a fraudulent return and interest, and cost of executing the warrant, and to return such warrant to the Commission and pay it the money collected by virtue thereof by a time to be therein specified, not more than sixty days from the date of the warrant. The Sheriff shall within five days after the receipt of the warrant, file with the Circuit Clerk of his county a copy thereof, and thereupon the Circuit Clerk shall enter in the judgment roll, in the column for judgment debtors, the name of the taxpayer mentioned in the warrant, and in appropriate columns, the amount of the tax, or portion thereof and damages for which the warrant is issued; and the day

when such copy is filed; and thereupon the amount of such warrants so docketed shall become a lien upon the title to and interest in real and personal property, including choses in action, except negotiable instruments, not past due, of the person against whom it is issued in the same manner as a judgment duly enrolled in the office of such clerk. The Sheriff thereupon shall levy upon any property of the taxpayer, including negotiable instruments, in all respects, with like effect, and in the manner prescribed by law in respect to executions issued against property upon judgments or attachment proceedings, of a court of record and the remedies of garnishment shall apply and the officer shall be entitled to the same fees for his services in executing the warrant as now allowed by law for like services, to be collected in the same manner as now provided by law for like services.

(b) A tax due and unpaid under this Act shall constitute a debt due the State and may be collected by action in debt upon motion for judgment or other appropriate judicial proceedings, which remedy shall be in addition to all other existing remedies; and it shall constitute a lien upon all the personal property of the taxpayer except negotiable instruments not past due and the same shall be collected together with the penalties provided in Section 7 of this Act.

(c) Any person against whom a tax shall be assessed as herein provided shall be restrained and enjoined upon the order of the Commission by proper proceedings instituted in the name of the State of Alabama, by suitable action, brought by the Attorney General and/or any Circuit Solicitor at the request of the Commission and/or continuing in a business for which a privilege tax is required by the provisions of this Act, until the taxes shall have been paid and until such person shall have complied with the provisions of this Act, and such Circuit Solicitor shall prosecute violations of the criminal provisions of this Act upon the request of the Commission.

Section 12. Annual Return—When To Be Made. The assessment of taxes herein made and the annual returns required therefor shall be for the year ending on the 31st day of December; provided, however, that if the taxpayer in transacting his business, keeps the books reflecting the same on a basis other than the calendar year, he may, with the assent of the Commission, make his annual returns and pay taxes for the year covering his accounting period, as shown by the method of keeping the books of this business.

Section 13. Is Additional Tax. The tax imposed by this Act shall be in addition to all other licenses and taxes levied by law as a condition precedent to engaging in any business taxable hereunder, except as in this Act otherwise specifically provided.

Section 14. Contents of Report Not to Be Divulged. Unless in accordance with the judicial order or as herein provided, the State Tax Commission, its agents, clerks or stenographers shall not divulge the gross receipts, gross proceeds of sales or the amount of tax paid by any person as shown by the reports filed under the provisions of this Act, except to employees of the State Tax Commission for the purpose of checking, comparing and correcting returns, or to the Governor, or to the Attorney General, or any other legal representative of the State in any action in respect to the amount of tax due under the provisions of this Act.

Section 15. The Secretary of State shall withhold the issuance of any certificate of dissolution or withdrawal in the case of any corporation organized under the laws of this State or organized under the laws of another State and admitted to do business in this State until the receipt of a notice from the Commission to the effect that the tax levied under this Act against any such corporation has been paid, if any such corporation is a taxpayer under the law, or until he shall be notified by the Commission that the applicant is not subject to pay a tax hereunder.

Section 16. Unlawful To Refuse To Make Returns—Penalty. It shall be unlawful for any person to fail or refuse to make the return provided to be made in Sections 5 and 6 of this Act, or to make any false or fraudulent return or false statement in any return, with intent to defraud the State or to evade the payment of the tax, or any part thereof, imposed by this Act; or for any person to aid or abet another in any attempt to evade the payment of the tax, or any part thereof, imposed by this Act, or for the president, vice-president, secretary or treasurer of any company to make or permit to be made for any company or association any false returns, or any false statement in any return required by this Act with the intent to evade the payment of any tax hereunder; or for any person to fail or refuse to permit the examination of any books, papers, account, record, or other data by the Commission, or its duly appointed agent, as required by this Act; or to fail or refuse to permit the inspection or appraisal of any property by the Commission or its duly appointed agent, or to refuse to offer testimony or produce any record as required in this Act. Any person violating any of the provisions of this Section shall be guilty of a misdemeanor and on conviction thereof shall be fined not more than Five Hundred (\$500.00) Dollars or imprisoned not exceeding six months in the county jail or punished by both such fine and imprisonment, at the discretion of the court within the limitation aforesaid. In addition to the foregoing penalties, any person who shall knowingly swear to or verify any false or fraudulent statement, with the intent aforesaid, shall be guilty of the offense of perjury and, on conviction thereof, shall be punished in

the manner provided by law. Any company for which a false return, or a return containing a false statement as aforesaid shall be made, shall be guilty of a misdemeanor and may be punished by a fine of not more than Five Hundred (\$500.00) Dollars.

Section 17. Administration of Act Vested In The State Tax Commission. The administration of this Act is vested in and shall be exercised by the State Tax Commission, except as otherwise herein provided, and the enforcement of any of the provisions of this Act in any of the courts of the State shall be under the exclusive jurisdiction of the State Tax Commission who may require the assistance of and act through the prosecuting attorney of any county, or any Circuit Solicitor, or any attorney for the Commission, and may, with the assent of the Governor, employ special counsel in any county to aid the prosecuting attorney, the compensation of whom shall be fixed by and paid only upon the approval of the Governor; but the Circuit Solicitor or prosecuting attorney of any county shall receive no fees or compensation for services rendered in enforcing this Act in addition to the salary paid to such officer. The State Tax Commission shall appoint, as needed, such agents, clerks and stenographers as authorized by law, who shall serve under him and shall perform such duties as may be required, not inconsistent with this Act, and are hereby authorized to act for the commission as it may prescribe and as provided herein. Each such agent shall execute a bond in the sum of Five Thousand (\$5,000.00) Dollars for the faithful discharge of his duties. All of such agents, clerks and stenographers may be removed by the State Tax Commission for cause of which the Commission shall be final judge.

In case of violation of the provisions of this Act the Commission may decline to prosecute for the first offense, if in its judgment such violation is not wilful or flagrant.

Section 18. Commission To Make Regulations. The Commission shall from time to time promulgate such rules and regulations for making returns and for ascertainment, assessment and collection of the tax imposed hereunder as it may deem necessary to enforce its provisions; and upon request shall furnish any taxpayer with a copy of such rules and regulations.

Section 19. Commission May Examine Books, Etc. The Commission may examine books, papers, records, or other data bearing upon the correctness of any return, or for the purpose of making a return where none has been made, as required by Sections 5 and 6 of this Act, and may require the attendance of any person and take his testimony with respect to any such matter, with power to administer oaths to such person or persons. If any person summoned as a witness shall fail to obey the summons to appear before the Commission, or shall refuse to testify or answer any mate-

rial question to produce any book, record, paper, or other data when required to do so, such failure or refusal shall be reported to the Attorney General, or the Circuit Solicitor, who shall thereupon institute proceedings in the Chancery Court of the County where such witness resides to compel obedience to any summons of the Commission; officers who serve summonses or subpoenas, and witnesses attending, shall receive like compensation as officers and witnesses in the justice of the peace courts; to be paid from the proper appropriation for the administration of this Act.

Section 20. Excess Payment—Refund. If upon examination of any monthly or quarterly return made under this Act, it appears that an amount of tax has been paid in excess of that properly due, then the amount in excess shall be credited against any tax or installment thereof then due from the taxpayer, under any other subsequent monthly or quarterly return, and any balance of such excess at the end of the year and upon filing of its annual return, shall be immediately refunded to the taxpayer by certificate of over-payment issued by the Commission to the State Auditor which shall be investigated and approved by the Attorney General and the Comptroller shall issue his warrant on the Treasurer, which warrant shall be payable out of any fund appropriated for that purpose. Any taxes recovered by suit by any taxpayer shall be refunded in like manner, but shall be accompanied by a copy of the order of decree of the court issuing such order or decree.

Section 21. Before division and distribution, the expenses of the administration of this Act and also so much thereof as may be necessary for the replacement in the Public School Fund of the three-mill constitutional levy for schools and in the General Fund of the one-mill levy for Soldiers' Relief and the two and one-half mills for general purposes lost by any exemption of homestead provided by legislation enacted during Special Session 1936-37 of the Legislature of Alabama shall be first charged against the proceeds of said licenses, taxes or receipts levied or collected under this Act. The Comptroller, with the approval of the Governor, is hereby directed to draw his warrants payable out of the total proceeds of said licenses, taxes or receipts levied or collected under this Act as herein provided in such sum as shall be found necessary to take care of and replace the three-mill constitutional school levy, the one-mill Soldiers' Relief levy and the two and one-half mill levy for general purposes of the State ad valorem taxes lost as above set forth. Three-fourths of the net proceeds collected or received under the provisions of this Act shall be covered into the State Treasury and become a part of the Alabama Special Educational Trust Fund. One-fourth of the net proceeds collected or received under the provisions of this Act shall be paid into the State Treasury to the credit of the sixty-seven counties of the State and

shall be divided and distributed as follows to-wit: One-half of said proceeds shall be divided and distributed proportionately among the sixty-seven counties of the State according to the population of the said counties as shown by the last Federal Census; and one-half of said proceeds shall be divided or distributed equally among the sixty-seven counties; provided that the funds divided and distributed to the several counties of the State as herein above provided for shall be used exclusively for full-time health service in cooperation with the State Board of Health and/or the Federal Government; for public welfare in cooperation with the State Department of Public Welfare and/or the Federal Government; and for extension services in cooperation with the Alabama Agricultural Extension Service and/or the Federal Government, at the discretion of the Commissioners Court, Boards of Revenue, or other governing bodies of the several counties of the State.

Section 22. The license inspectors of the several counties of the State, when required to do so by the State Tax Commission, shall enforce collection of all delinquent privilege and license taxes levied under this Act, and shall have all the power and authority in enforcing the provisions of said Act as is conferred upon them in the enforcement of the collection of other delinquent license taxes due the State, and shall receive the same fees and emoluments therefor, to be added to the tax collected.

Section 23. Any and all expenses incurred by the State Tax Commission in the administration of this Act, including the supervision, auditing, clerical and field service, all salaries to be fixed by the Commission with the approval of the Governor, shall be paid out of the money collected under the provisions herein, and the sum of Ten Thousand (\$10,000.00) Dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the General Fund of the State Treasury not otherwise appropriated, to be available upon the taking effect of this Act, and to be used by the State Tax Commission in defraying any expenses which may be incurred in the administration and in preparing to administer this Act before sufficient funds shall have been collected from license tax as hereinbefore provided. As soon as a sufficient amount of license taxes shall have been collected under the provisions of Section 2 of this Act, the Ten Thousand (\$10,000.00) Dollars hereby appropriated or so much thereof as shall have been used, shall be returned to the General Fund.

Section 24. It shall be unlawful for any person, firm, corporation, association or co-partnership engaged in or continuing within this State in the business for which a license or privilege tax is required by this Act to fail or refuse to add to the sales price and collect from the purchaser the amount due by the taxpayer on account of said tax provided herein, or the amount due by said

taxpayer on account of any taxes provided herein, or the amount due by said taxpayer on account of any taxes provided under this Act, or who shall refund or offer to refund all or any part of the amount collected, or absorb or advertise directly or indirectly the absorption or refund of said tax or any portion of the same.

Section 25. Any person, firm, or corporation violating any of the provisions of Section 24 of this Act shall be guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than Fifty (\$50.00) Dollars nor more than One Hundred (\$100.00) Dollars, or may be imprisoned in the county jail for not more than six months, or by both such fine and imprisonment, and each act in violation of the provisions of this Act shall constitute a separate offense.

Section 26. (a) For the purpose of more efficiently securing the payment of and accounting for the tax imposed by this Act, the State Tax Commission shall make, promulgate and enforce reasonable rules and regulations for the administration and enforcement of the provisions of this Act, and by reasonable rules and regulations may provide for the issuance, sale, cancellation and payment of and for revenue tokens in order to make provisions of this Act effective, and the State Tax Commission shall cause to be issued and sold at convenient places, tokens or other evidences of tax payment to enable purchasers and recipients of taxable sales, services and transactions, to pay the tax, when the same amounts to a fractional part of one cent, and when so issued the State Tax Commission and any person, firm or corporation subject to the provisions of this Act shall receive such tokens or other evidences of tax payment as payment of any tax imposed by this Act.

(b) The tokens, or other evidences of tax payment, shall be in two denominations: one of aluminum, one side of which shall be marked "1", and the reverse side marked "Tax Commission, Alabama Sales Tax Token," and one of brass, one side of which shall be marked "5" and the reverse side marked "Tax Commission, Alabama, Sales Tax Token." The aluminum token marked "1" will represent the payment of the tax in an amount equal to one-tenth of a cent, and the brass token marked "5" will represent the payment of the tax in an amount equal to one-half of one cent. Said tokens shall not be a medium of exchange in any sense of the meaning of "medium of exchange" in terms of United States currency. The token is a device by means of which the purchaser may pay his tax liability under the law to vendors and said tokens will have no value whatsoever other than that of serving as a device for the payment of the tax in the case of cash purchases involving fractional parts of a cent and shall be used only as a means of paying the correct sales tax where the amount of the tax is a fractional part of one cent. The Tax Commission shall purchase

such number of said tokens in each denomination as may be necessary to carry out the provisions of this Act, and shall, from time to time, purchase additional tokens as and when it is found necessary. The State Tax Commission shall provide for the issuance of sale of said tokens by such rules and regulations as may be necessary.

(c) Any person, firm, corporation, association, or co-partnership, who shall counterfeit, forge or alter any such token, or other evidence of tax payment issued or caused to be issued by the State Tax Commission, or who shall issue or cause to be issued any imitation of any tokens or other evidences of tax payment, or who shall attempt so to do, shall be guilty of forgery in the first degree, and upon conviction shall be punished as now provided by law.

Section 27. The State Tax Commission may appoint any person, firm or corporation subject to provisions of this Act as agent of State Tax Commission for the purpose of collecting and forwarding taxes herein provided, without bond, but in no case shall the compensation paid for the collection of said taxes imposed herein exceed the sum of five per cent (5%) of the taxes collected and forwarded.

Section 28. That an Act entitled "An Act to Amend An Act entitled, 'An Act to Provide for the General Revenue of the State of Alabama, approved July 10, 1935', by adding Schedule 155.4 A and Schedule 155.4 B to Section 348 of said Act", approved December 17, 1936, be and the same is hereby expressly repealed. Said repeal to be effective February 28, 1937; provided, that any taxes under said Act accrued up to February 28, 1937, shall be collected the same as if said Act had not been repealed.

The repeal provided for in this Section is conditional upon the validity of Subdivisions (a), (b), and (c) of Section 2 of this Act, and of this Act, and if either of said Sub-divisions should for any reason be declared unconstitutional or not effective then the repeal herein provided for shall not be operative or effective provided that the repeal herein provided for shall not affect the collection of the taxes provided for in the act repealed, but the same shall be and remain payable to the effective date of said repeal, as herein provided for.

Section 29. Invalidity of Part of Act Not to Invalidate Entire Act. If any clause, sentence, paragraph or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered, except as otherwise provided in Section 28 of this Act.

If any exemptions from the provisions of this Act, or any exceptions to this Act should be held discriminatory or unconstitu-

tional, such holding shall not affect the remaining portions of this Act, the Legislature hereby declaring that it would enact the provisions of this Act, irrespective of any such exemptions or exceptions, and if such exemptions or exceptions be discriminatory or invalid, then such exemptions or exceptions shall be without effect.

Section 30. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Section 31. That the license taxes levied herein shall become effective on the first day of the month immediately following the approval of this Act by the Governor and shall cease and terminate as of September 30, 1939.

Mr. Swift offered the following amendment to the substitute for said bill, H. 179:

Amend substitute for H. 179:

Strike therefrom Subsection (b) of Section 2.

Amend Subsection (f) of Section 4 by inserting the words "new and" before the words "used automobiles" where same occur therein and strike from said Subsection (f) the following words:

"which vehicles are commonly known to the trade as second hand automotive vehicles".

Which was lost.

Yeas, 12; Nays, 20.

Yeas:

Messrs.:

Bonner	Locke	Richardson	Simpson
Dorsey	McConnell	Rogers	Swift
Frazer	McDowell	Russell	Tucker

—12

Nays:

Messrs.:

Browder	Kuykendall	St. John	Thomas
Carlton	Mixon	Starnes	Walton
Chesnut	Mooneyham	Stephens	Weaver
Cook	Parrish	Stoddard	Wellborn
Kelly	Riddle	Taylor	Woodall

—20

Mr. Simpson offered the following amendment to the substitute for said bill, H. 179:

Amend Subsection (b) of Section 2 of House Bill 179 so as to make Subsection (b) read as follows:

(b) "Upon every person, firm or corporation engaged or continuing within this State in the business of selling any new automotive vehicle, an amount equal to one half of one percent of the gross proceeds of the sale of said new automotive vehicle."

Which was lost.

Yeas, 15; Nays, 18.

Yeas:

Messrs.:

Bonner	Locke	Rogers	Tucker	
Dorsey	McConnell	Russell	Walton	
Frazer	McDowell	Simpson	Wellborn	
Goldsmith	Richardson	Swift		—15

Nays:

Messrs.:

Browder	Kuykendall	St. John	Taylor	
Carlton	Mixon	Starnes	Thomas	
Chesnut	Mooneyham	Stephens	Weaver	
Cook	Parrish	Stoddard	Woodall	
Kelly	Riddle			—18

Mr. Richardson offered the following amendment to the substitute for said bill, H. 179:

To amend the Substitute for House Bill No. 179 as follows:

1—By substituting the words "one and one-half percent" for the words "two percent" wherever the same appear in said substitute bill.

2—By striking from Section 21 of said substitute bill the words "Three-fourths of the net proceeds" and all words following said clause, and inserting in lieu the following:

"All of the net proceeds collected or received under the provisions of this Act shall be covered into the State Treasury and become a part of the Alabama Special Educational Trust Fund."

Which was lost.

Yeas, 14; Nays, 19.

Yeas:

Messrs.:

Bonner	Locke	Rogers	Swift	
Dorsey	McConnell	Russell	Tucker	
Frazer	McDowell	Simpson	Weaver	
Goldsmith	Richardson			—14

Nays:

Messrs.:

Browder	Kuykendall	St. John	Thomas	
Carlton	Mixon	Starnes	Walton	
Chesnut	Mooneyham	Stephens	Wellborn	
Cook	Parrish	Stoddard	Woodall	
Kelly	Riddle	Taylor		—19

Mr. Frazer offered the following amendment to the substitute for said bill, H. 179, to-wit:

Amend Section 21 of Substitute for H. B. 179—Add at the end of Section 21 the following, viz:

"Provided, however, that the part above set apart for the coun-

ties shall be appropriated to the payment of all sums now due teachers in the public schools and institutions of higher learning for actual services heretofore rendered and not paid for, and no part of said tax shall be paid any county until such teachers shall first have been paid in full."

Which was lost.

Yeas, 15; Nays, 18.

Yeas:

Messrs.:

Bonner
Carlton
Dorsey
Frazer

Goldsmith
Locke
McConnell
McDowell

Richardson
Rogers
Russell
Simpson

Swift
Tucker
Weaver

—15

Nays:

Messrs.:

Browder
Chesnut
Cook
Kelly
Kuykendall

Mixon
Mooneyham
Parrish
Riddle
St. John

Starnes
Stephens
Stoddard
Taylor

Thomas
Walton
Wellborn
Woodall

—18

Mr. Walden offered the following amendment to the substitute for said bill, H. 179, to-wit:

Amend Sec. 4 by adding thereto, Sub-section (1) in the following language—

(1) Amounts received from the sale of work shoes selling for not over \$2.50 per pair, overalls and work shirts.

Which was lost.

RECESS

At 1:15 P. M., on motion of Mr. Rogers, the Senate took a recess until 3 o'clock this afternoon.

AFTERNOON SESSION—TWENTY-FOURTH DAY

Friday, February 12th, 1937.

The Senate re-assembled at 3 P. M., Lieutenant-Governor Knight presiding.

ROLL CALL

Present:

Messrs.:			
Bonner	Kuykendall	Rogers	Taylor
Browder	Locke	Russell	Thomas
Carlton	Mixon	St. John	Tucker
Chesnut	Mooneyham	Simpson	Walden
Cook	McConnell	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Frazer	Parrish	Stoddard	Wellborn
Goldsmith	Richardson	Swift	Woodall
Kelly	Riddle		

—34

REPORTS OF COMMITTEES

Mr. Dorsey, Chairman of the Standing Committee on Fish and Game, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Reeder:

H. 173. To regulate hunting, trapping, capturing, injuring, killing or destroying or attempting to hunt, trap, capture, injure, kill or destroy wild game on the lands of another without written permission and to provide penalties for violation of the provisions of this Act.

Mr. Russell, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Poole (Butler):

H. 45. To regulate the business of selling used motor vehicles by dealers not residing in or having a permanent place of business in the State of Alabama, and by resident dealers purchasing, handling and selling used vehicles, used or acquired from non-resident dealers; to require the registration of all used motor vehicles brought into the State of Alabama for the purpose of sale, with

Probate Judges in several counties; to require all such dealers to execute and deliver to such purchaser of such used vehicle, a bond indemnifying the purchaser against failure of title, breach of warranty, or fraudulent misrepresentation; to define the terms "dealer" and "vendor", and to provide penalties for the violation of the provisions of this Act.

By Mr. Arnold:

H. 167. To amend Schedule 158.21 of Article XIII, Chapter 6 of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

By Mr. Arnold:

H. 168. To amend Schedule 158.22 of Article XIII, Chapter 6 of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

By Mr. Hill:

H. 330. To Amend Schedule 106 of Section 348 of an Act Entitled "An Act to provide for the General Revenue of the State of Alabama," Approved July 10th, 1935.

By Mr. Mooneyham (with amendment):

S. 120. For the relief of Kansas City Bridge Company.

RESOLUTION

Messrs. Wellborn and St. John offered the following joint resolution, to-wit:

S. J. R. 43. WHEREAS, the custom has arisen during labor disputes of other states of employees occupying the premises of their employers in instituting and conducting what are commonly called "sit-down strikes", and,

WHEREAS, such strikes are in violation of the laws of Alabama and are against the principles and policies of this State, and,

WHEREAS, if countenanced, such strikes will subject every plant, farm or place of business in Alabama to seizure in the name of a dispute over wages or working conditions; and,

WHEREAS, this custom, we believe, is detrimental to the best interests of labor, industry, business and the general welfare of the people of Alabama,

THEREFORE, BE IT RESOLVED, by the Senate, the House concurring, that "sit-down strikes" are against the public interests, and are hereby condemned.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House joint resolution:

By Mr. Lusk:

H. J. R. 141. Be it resolved by the House of Representatives the Senate concurring that when the two Houses adjourn today they adjourn to meet Tuesday, February 16th, at 11 a.m.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Riddle, the resolution, H. J. R. 141, set out in the foregoing Message from the House was concurred in and adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown, and as amended has passed the following Senate bill:

S. 59. To authorize all banks incorporated under the laws of this State to become instrumentalities and agencies of the State of Alabama, and to require of such banks certain services for the State of Alabama.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Wellborn, the Senate concurred in the following amendment by the House, to the bill, S. 59, the title of which is set out in the foregoing Message from the House, to-wit:

A BILL

To be entitled an Act to declare all banks incorporated under the laws of Alabama to be instrumentalities of the State of Alabama, and to require such banks to perform certain specified serv-

ice for the State and its subdivision in addition to all other duties now required of them.

Be it enacted by the Legislature of Alabama:

Section 1. That all banks incorporated under the laws of Alabama are hereby declared to be instrumentalities of the State. As such they are hereby required, in addition to all other duties now required of them, to perform for the State, and its subdivisions without charge the following services:

(a) The handling and collection (or credit at the option of such bank) of all warrants issued by the State of Alabama, or by any county or other political sub-division thereof;

(b) The handling and collection (or credit at the option of such bank) of all bonds and interest coupons thereto issued by the State of Alabama or any county or other political sub-division thereof:

(c) Serve as paying agent for the State of Alabama when so requested by the State Treasurer.

Section 2. Nothing herein shall be construed to relieve such banks from any duty, responsibility, liability or obligation imposed upon them under any State law now in force or that may be enacted hereafter by the State.

Section 3. This act shall be effective upon its passage and approval.

Yeas, 22; Nays, 6.

Yeas:

Messrs.:

Bonner	Mixon	Simpson	Thomas
Browder	Mooneyham	Starnes	Tucker
Carlton	Richardson	Stephens	Weaver
Chesnut	Rogers	Stoddard	Wellborn
Cook	Russell	Taylor	Woodall
Dorsey	St. John		

—22

Nays:

Messrs.:

Frazer	McConnell	Parrish	Swift
Locke	McDowell		

— 6

And said bill, as thus amended, was again read a third time at length and passed.

Yeas, 23; Nays, 6.

Yeas:

Messrs.:

Bonner	Mixon	Simpson	Tucker
Browder	Mooneyham	Starnes	Walton
Chesnut	Richardson	Stephens	Weaver
Cook	Rogers	Stoddard	Wellborn
Dorsey	Russell	Taylor	Woodall
Kuykendall	St. John	Thomas	

—23

Nays:
Messrs.:
 Frazer
 Locke

McConnell
 McDowell

Parrish

Swift

— 6

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Wallace:

H. 339. To amend Sections 6, 7, 9, 11, and 14 of an Act of the Legislature of Alabama approved September 7, 1935, entitled "An Act to further provide for freeing Alabama Highways of all toll bridges, through a corporation to be composed of the President of the State Board of Administration, the State Comptroller, and the Chairman of the State Highway Commission, whose incorporation is authorized, and to prescribe the power and authority of such corporation and provide it with funds necessary to enable it to accomplish the purpose of its creation."

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
 Clerk.

HOUSE MESSAGE

The House bill set out in the foregoing Message from the House was read one time at length and referred to appropriate standing committee as follows:

H. 339—To the Committee on Public Roads and Highways.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown, and as amended has passed the following Senate bill:

By Mr. Mooneyham:

S. 16. To set up in the State Treasury a Property Tax Relief Fund and to provide for its distribution.

And returns same herewith to the Senate.

E. F. Taylor,
 Clerk.

HOUSE MESSAGE

On motion of Mr. Mooneyham, the Senate non-concurred in the following amendment by the House to the bill, S. 16, the title of which is set out in the foregoing Message from the House, to-wit:

Amendment to Senate Bill 16 by Mr. Dominick:

Amend Section 5 of Senate Bill 16 by adding at the end of said section the following:

Provided, however, that in counties in which the Tax Assessors and Tax Collectors are on a salary basis, the State Comptroller shall ascertain the commissions due the Tax Assessors and Tax Collectors of such counties and lost by the exemption of homesteads as otherwise provided and shall, with the approval of the Governor, draw his warrant payable out of the Property Tax Relief Fund and payable to such county the amount of the commissions so ascertained as earned by the Tax Assessor and Tax Collector of such county and due such county for its general fund.

And requests Committee on Conferences.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner

Carlton

Chesnut

Cook

Frazer

Kelly

Kuykendall

Locke

Mixon

Mooneyham

McConnell

McDowell

Parrish

Richardson

Russell

St. John

Simpson

Starnes

Stephens

Stoddard

Swift

Taylor

Thomas

Walton

Weaver

Wellborn

—26

Nays:—None.

And the President and Presiding Officer of the Senate appointed as Conferees on Part of the Senate Messrs. Kelly, Mooneyham and Frazer.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Douglass:

H. 271. To provide that in computing the net income of credit unions for purposes of the excise tax levied by Article XII, Chapter 1, of an Act entitled "To provide for the General Revenue of the State of Alabama," approved July 10, 1935, there shall in ad-

dition to all other deductions provided by law, be deducted the amount paid out as dividends on the withdrawable shares thereof.

Also:

By Mr. Calhoun:

H. 300. To amend Section 5024 of the Code of 1923.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing Message from the House were severally read one time at length and referred to appropriate Standing Committees as follows:

H. 271—To the Committee on Finance and Taxation.

H. 300.—To the Committee on Revision of Laws.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bill:

By Mr. Miles:

H. 363. To allow the Register in Chancery of the Circuit Court of Blount County, Alabama, a clerk; to provide for the appointment and tenure of office of said clerk to fix the salary of said clerk and to make the same payable out of the general funds of Blount County in monthly installments.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that at the present session or any adjournment thereof of the Legislature of Alabama the following bill, or that its substance, will be introduced in an effort to enact the same into law, to-wit:

AN ACT

To allow the Register in Chancery of the Circuit Court of Blount County, Alabama, a clerk; to provide for the appointment and tenure of office of said clerk to fix the salary of said clerk and to make the same payable out of the general funds of Blount County in monthly installments.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA

Section 1. That the Register in Chancery of the Circuit Court of Blount County, Alabama is allowed one clerk, to be appointed by said Register and

to hold office during the pleasure of said Register, which said clerk shall receive a salary of Six Hundred Dollars per annum to be paid in monthly installments out of the General Funds of said County.

Section 2. That on the first day of each month a statement of the name and amount due said clerk shall be furnished to the Court of County Commissioners by the said Register in Chancery and it shall thereupon be the duty of said Court of County Commissioners to order a warrant drawn upon the General Funds of the County payable to said clerk for the amount of one month's salary as hereinabove provided.

Section 3. That all laws and parts of law in conflict with this Act are hereby expressly repealed and this Act shall be in full force and effect from the date of its approval by the Governor.

H. C. Hood.

THE STATE OF ALABAMA,
BLOUNT COUNTY.

Personally appeared before the undersigned authority, F. G. Stephens, who, being duly sworn, deposes and says that he is the publisher of the Southern Democrat, a newspaper published in Oneonta, Ala., and that the attached notice of Proposed Legislation was published for 4 consecutive weeks in said newspaper, commencing on the 7 day of Jan., 1937, and ending on the 28 day of Jan., 1937.

F. G. Stephens,
Publisher.

Sworn to and subscribed before me this 4 day of Feb., 1937.

Julia H. King,
Notary Public.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing Message from the House was read one time at length and referred to appropriate Standing Committee as follows:

H. 363—To the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Robertson (Cullman):

H. 358. To provide that any County in the State of Alabama having a population of 41,000 or more, according to the last or any subsequent Federal census, in which there exists a Board of Finance and Control shall have the right or authority to employ stenographers, clerks or other assistants and shall expend not more

than One Thousand (\$1000.00) Dollars in any one fiscal year in payment for the services of such stenographers, clerks or assistants.

Also:

By Mr. Sanderson:

H 298. For the relief of The American Workman, a fraternal Insurance society incorporated under the laws of The District of Columbia, and to appropriate for this purpose the sum of \$435.61 out of any money in the State Treasury, not otherwise appropriated, in order to reimburse the said The American Workman for the above sum paid by The American Workman under protest by check to the State Treasury through the Superintendent of Insurance in accordance with Section 8505 of the Code of Alabama which Section was subsequently declared unconstitutional by State Vs. Praetorians 226 Alabama 259, 146 So. 411.

Also:

By Mr. Chichester:

H. 364. To amend Section 7 of an act entitled "An Act to abolish the Board of Revenue or Commissioners Courts in all counties of this State having a population of 300,000 inhabitants or more according to the last or any subsequent Federal census and to establish in such counties a County Commission; to provide for the election of the members of said Commission, to fix the term of office, to define the powers and duties of such Commission and to fix the compensation of the members thereof." Approved June 16, 1931.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing Message from the House were severally read one time at length and referred to appropriate Standing Committees as follows:

H. 298—To the Committee on Finance and Taxation.

H. 358 and H. 364—To the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Messrs. Kirby and O'Neal:

H. 253. To further regulate and define the duties of the Court of County Commissioners as the present governing body of Jackson County and fix the monthly salary of each member at Seventy five Dollars (\$75.00) per month and fix their duties to make the Judge of Probate the ex-officio chairman of the said Board of Revenue to serve without pay except as now provided by the law and to require that all purchases made by the County amounting to more than One Hundred Dollars (\$100.00) except for repair parts on tractors and graders shall be bought under competitive bidding, to require that a system of accounting shall be adopted and a bookkeeper for the County Court of Commissioners be appointed by the Commissioners to fix his duties. His salary shall not exceed Nine Hundred Dollars (\$900.00) per annum, to provide that all salaries, including the members of the Commissioners and the County bookkeeper shall be paid out of the Gasoline fund of Jackson County, to require that all payrolls must be itemized and presented to the County bookkeeper who shall keep a copy thereof and the County bookkeeper shall prepare an individual check for payment of each employee of the County, to require that said check shall be signed by the Judge of Probate in his capacity as ex-officio chairman of the Board of Revenue, to require that such itemized payroll shall be subject to approval of the Board of Revenue.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that a bill will be introduced in the next session of the Legislature of Alabama, which is in substance as follows:

AN ACT

To create and establish a Board of Revenue in and for Jackson County, Alabama, to be composed of four members, and the Probate Judge of said county who shall act as chairman of said Board.

To abolish the present court of County Commissioners, the new board members to be elected from districts defined for the present County Commissioners. (Present elected County Commissioners to serve as first members of proposed Board of Revenue.)

To fix the term of office for such members of the proposed Board Revenue at four years.

To provide for filling of vacancies in said Board.

To fix compensation of members for proposed Board of Revenue.

To confer upon said proposed Board of Revenue all powers now vested in Commissioners Court of said county.

To repeal all laws in conflict with this proposed Board of Revenue for Jackson County, Alabama.

STATE OF ALABAMA,
JACKSON COUNTY.

Before me, Rachel Gold, a notary public in and for said county and state, personally appeared P. W. Campbell, who is known to me to be the editor of the Jackson County Sentinel, a newspaper published in said county and state at Scottsboro, Alabama, who states that the attached notice of legislation for a special act for Jackson County, Alabama, was published in said weekly newspaper four consecutive weeks, namely: November 12, 19, 26, Dec. 3, 1936.

P. W. CAMPBELL,
Editor The Sentinel.

Sworn to and subscribed before me, this Jan. 5, 1937.

(Seal) RACHEL GOLD,
Notary Public.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing Message from the House was read one time at length and referred to appropriate Standing Committee as follows:

H. 253—To the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bill:

S. 116. To create a Hospital Board for Walker County, prescribe its duties, to authorize the equipment and operation of the county-owned Hospital and Nurses Home, to require the chairman and superintendent to give bond, conditioned as provided by law for official bonds, to fix the salary of the superintendent and other employees, to appropriate out of the general funds of the said County, \$1,000,000 per month, and provide the manner of its payment, for the care and treatment of indigent patients of said county, to provide for the appointment of members of said Hospital Board, and their qualifications, and to pass on the necessity of indigent patients needing hospitilization, and to fix charges for pay patients, and to provide that the present members of the Hospital

Board as now constituted, shall serve the remainder of their terms of office under their present appointment by the Board of Revenue, and to make the said appropriations a preferred claim against the county.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Kuykendall the Senate concurred in the following amendment by the House to the bill, S. 116, the title of which is set out in the foregoing Message from the House, to-wit:

Amend Senate Bill No. 116 by adding thereto at the end of Section 1, the following: "The Board of Revenue of Walker County or other like governing body shall have authority to remove any member of said Hospital Board for cause."

Amend Section 10 of Senate Bill No. 116 by adding at the end of Section Ten the following "provided that the total amount to be paid out of the Walker County Treasury to said hospital for any and all purposes shall not exceed Twelve Thousand Dollars per annum."

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Riddle	Taylor
Browder	Locke	Rogers	Thomas
Carlton	Mixon	Russell	Tucker
Chesnut	Mooneyham	Simpson	Walton
Cook	McConnell	Stephens	Weaver
Dorsey	McDowell	Swift	Woodall
Frazer	Richardson		

—26

Nays:—None.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bill with the engrossed and original bill, respectively, and finds same correctly enrolled, to-wit:

S. 5. To define homesteads as herein used and to exempt such homesteads from such State ad valorem taxation.

Earl Thomas,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

UNFINISHED BUSINESS

The Senate proceeded to the consideration of the unfinished business of the morning session, which was the bill, H. 179, and pending substitute:

H. 179. To further provide for the general revenue of the State of Alabama, and to repeal an Act entitled, "To be entitled an Act to amend an Act entitled 'An Act to provide for the general revenue of the State of Alabama, approved July 10, 1935' by adding Schedule 155.4A and Schedule 155.4B to Section 348 of said Act, approved December 17, 1936."

Mr. Riddle offered the following amendment to the substitute for the bill, H. B. 179, to-wit:

To amend Section 4 of Senate substitute for House Bill 179 by adding at the end thereof Sub. Section (L) to read as follows:

"(L) Amounts received by any person, firm or corporation from the construction, repair, towage or pilotage of vessels or barges.

Which was adopted.

And the substitute for H. 179, as thus amended, was then adopted.

Yeas, 18; Nays, 15.

*Yeas:**Messrs.:*

Browder	Kelly	Riddle	Taylor	
Carlton	Kuykendall	St. John	Thomas	
Chesnut	Mixon	Stephens	Weaver	
Cook	Mooneyham	Stoddard	Wellborn	
Goldsmith	Parrish			—18

*Nays:**Messrs.:*

Bonner	McConnell	Russell	Tucker	
Dorsey	McDowell	Simpson	Walton	
Frazer	Richardson	Starnes	Woodall	
Locke	Rogers	Swift		—15

Mr. Walton then offered the following amendment to the bill as amended by the substitute, to-wit:

Amend Subsection (b) of Sec. 2 by striking therefrom the word "one" and inserting in lieu thereof the words "one half of one."

Which was adopted.

Yeas, 27; Nays, 4.

Yeas:

Messrs.:

Bonner	Mooneyham	St. John	Thomas	
Carlton	McConnell	Simpson	Tucker	
Dorsey	McDowell	Starnes	Walton	
Frazer	Richardson	Stephens	Weaver	
Kelly	Riddle	Stoddard	Wellborn	
Locke	Rogers	Swift	Woodall	
Mixon	Russell	Taylor		—27

Nays:—Messrs.: Browder, Chesnut, Cook and Parrish

— 4

And said bill, as thus amended by the substitute, was read a third time at length and passed.

Yeas, 17; Nays, 15.

Yeas:

Messrs.:

Browder	Kuykendall	Riddle	Taylor	
Carlton	Mixon	St. John	Thomas	
Chesnut	Mooneyham	Stephens	Weaver	
Cook	Parrish	Stoddard	Wellborn	
Kelly				—17

Nays:

Messrs.:

Bonner	McConnell	Russell	Tucker	
Dorsey	McDowell	Simpson	Walton	
Frazer	Richardson	Starnes	Woodall	
Locke	Rogers	Swift		—15

PAIR ANNOUNCED

Mr. Goldsmith announced that he and Mr. Walden were paired on this vote; that, Mr. Walden, if present, would vote "no," and he, Mr. Goldsmith would vote "aye."

Mr. Riddle moved that the Senate re-consider the vote by which it just passed the bill, H. B. 179, which motion was lost and the Senate refused to re-consider said vote.

BILLS ON THIRD READING

The bill:

H. 347. To confer additional authority upon Boards of Education for the issue of refunding warrants.

Was read a third time at length and passed.

Yeas, 21; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Riddle	Swift
Browder	Mixon	Rogers	Taylor
Chesnut	Mooneyham	Russell	Thomas
Cook	Parrish	St. John	Walton
Dorsey	Richardson	Stephens	Woodall
Kelly			

—21

Nays:—None.

PAIR ANNOUNCED

Mr. Simpson announced that he and Mr. Walden were paired on this vote; that, Mr. Walden, if present, would vote "no," and he, Mr. Simpson, would vote "aye."

The bill:

H. 348. To ratify, affirm and validate the existence of all boards of education and like bodies in this State and the terms of office of all members and officers thereof, to confer and impose upon such boards or bodies all powers, functions and duties conferred or imposed by law on boards of education and to ratify, affirm or validate all acts, contracts, agreements and resolutions of such boards or bodies relating to refunding warrants.

Was read a third time at length and passed.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Riddle	Swift
Browder	Mixon	Rogers	Taylor
Chesnut	Mooneyham	Russell	Thomas
Cook	McDowell	St. John	Walton
Dorsey	Parrish	Simpson	Weaver
Goldsmith	Richardson	Stephens	Woodall
Kelly			

—25

Nays:—None.

The bill:

S. 140. To amend Section 989 of the Code of Alabama of 1923.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers	Taylor
Browder	Mixon	Russell	Thomas
Chesnut	Mooneyham	St. John	Walton
Dorsey	McDowell	Simpson	Weaver
Goldsmith	Parrish	Stephens	Woodall
Kelly	Riddle	Swift	

—23

Nays:—None.

REPORT OF COMMITTEE

The Rules Committee reported the following resolution:

S. R. 44. BE IT RESOLVED BY THE SENATE OF THE STATE OF ALABAMA:

That the Honorable Chief Justice and the Honorable Justices of the Supreme Court be requested under the provisions of Sections 10290 and 10291, Code of Alabama, 1923, as amended, to answer the following Constitutional questions relative to the enactment of House Bill No. 179, copy of which is hereto attached.

1. Is House Bill No. 179 a revenue raising bill?

2. Is House Bill No. 179, copy of which is hereto attached, within the provisions of Section 70 of the Constitution of Alabama, 1901, wherein it is provided that "no revenue bill shall be passed during the last five days of the session?"

And on motion of Mr. Riddle, the Rules were suspended and the Resolution adopted.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Twenty-fourth Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the twenty-fourth Legislative day approved by the Senate.

ADJOURNMENT

At 5:30 P. M., on motion of Mr. McDowell and in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, February 16th, 1937 at 11 A. M.

 TWENTY-FIFTH DAY

Tuesday, February 16, 1937.

The Senate met pursuant to adjournment, President Pro-Tem Riddle, presiding.

PRAYER

The session was opened with prayer by Rev. H. G. Earnest, Doorkeeper of the Senate.

ROLL CALL

Present:

Messrs.:			
Bonner	Kelly	Rogers	Swift
Browder	Kuykendall	Russell	Taylor
Carlton	Mixon	St. John	Tucker
Chesnut	Mooneyham	Simpson	Walton
Cook	McConnell	Starnes	Weaver
Dorsey	Parrish	Stephens	Wellborn
Frazer	Richardson	Stoddard	Woodall
Goldsmith	Riddle		

—30

JOURNAL

On motion of Mr. Kelly the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Wellborn:

S. 147. To require the making of public annual reports by the various departments, bureaus, boards, commissions and institutions of the State.

Committee on Revision of Laws.

REPORT OF COMMITTEE

Mr. Walton, Chairman of the Standing Committee on Public Roads & Highways, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Wallace (Clark):

H. 339. To amend Sections 6, 7, 9, 11, and 14 of an Act of the Legislature of Alabama approved September 7, 1935, entitled "An Act to further provide for freeing Alabama Highways of all toll bridges, through a corporation to be composed of the President of the State Board of Administration, the State Comptroller, and the Chairman of the State Highway Commission, whose incorporation is authorized, and to prescribe the power and authority of such corporation and provide it with funds necessary to enable it to accomplish the purpose of its creation."

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 59. To declare all banks incorporated under the laws of Alabama to be instrumentalities of the State of Alabama, and to require such banks to perform certain specified service for the State and its subdivision in addition to all other duties now required of them.

S. 116. To create a Hospital Board for Walker County, prescribe its duties, to authorize the equipment and operation of the County owned Hospital and Nurses Home, to require the chairman and superintendent to give bond, conditioned as provided by law for official bonds, to fix the salary of the superintendent and other employees, to appropriate out of the general funds of the said County, \$1,000.00 per month, and provide the manner of its payment, for the care and treatment of indigent patients of said county, to provide for the appointment of members of said Hospital Board, and their qualifications, and to pass on the necessity of indigent patients needing hospitalization, and to fix charges for pay patients, and to provide that the present members of the Hospital Board as now constituted, shall serve the remainder of their terms of office under their present appointment by the Board of

Revenue, and to make the said appropriations a preferred claim against the County.

Earl Thomas,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 225. To provide for the designation of Banks as custodians of County Funds in counties having a population of less than 15,000 according to the last or any subsequent Federal census, and to prescribe regulation for such custodians of County Funds, and to prescribe when this Act shall go into effect.

Also:

H. 321. To amend a local Act of the Legislature of Alabama for St. Clair County, approved June 6, 1931, by amending Section 4 thereof so as to allow the County Superintendent of Education travel expenses incident to the duties of his office, not to exceed the sum of Twelve Hundred Dollars per annum.

Also:

H. 322. To provide for the election of a County Superintendent of Education for St. Clair County, Alabama by the qualified electors thereof, to fix the term of office, to prescribe the duties and qualifications, to fix the salary and expense allowance, to outline the duties and powers, vacancies and how filled, when Act to take effect.

Also:

H. 347. To confer additional authority upon Boards of Education for the issue of refunding warrants.

Also:

H. 348. To ratify, affirm and validate the existence of all boards of education and like bodies in this State and the terms of office of all members and officers thereof, to confer and impose upon such boards or bodies all powers, functions and duties conferred or imposed by law on boards of education and to ratify, affirm and validate all acts, contracts, agreements and resolutions of such boards or bodies relating to refunding warrants.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

RESOLUTION

Mr. Walton offered the following joint resolution:

S. J. R. 45. BE IT RESOLVED BY THE SENATE, the House concurring, that Senate Bill 5, relating to homestead exemptions and which has recently passed both houses of the Legislature of Alabama, be and the same is hereby designated as the Woodall-Glover Act.

And on motion of Mr. Walton, the Rules were suspended and the resolution adopted.

OPINION FROM THE SUPREME COURT

TO THE HONORABLE, THE SENATE OF ALABAMA:

In response to Senate Resolution 44, you are advised that it is our opinion that House Bill No. 179 is a bill "for raising revenue", which, under the provisions of Section 70 of the Constitution, properly originated in the House, but is "not a revenue bill" within the inhibition of the last clause of Section 70 of the Constitution, that "No revenue bill shall be passed during the last five days of the session."—[Italics supplied.]

See: *Woco Pep Co. of Montgomery v. Butler, Chairman of State Tax Commission, et al.*, 225 Ala. 256, 142 So. 509; *Harris v. State ex rel. Williams et al.*, 228 Ala. 100, 151 So. 858; *In re Opinions of the Justices*, 223 Ala. 369, 136 So. 589.

Jno. C. Anderson,
Chief Justice.
Lucien D. Gardner,
William H. Thomas,
Virgil Bouldin,
Joel B. Brown,
Arthur B. Foster,
Thomas E. Knight,
Associate Justices.

OPINION

The foregoing opinion was read and ordered spread upon the Journal.

BILLS ON THIRD READING

The bill:

S. 49. To amend Schedule 156.9, Chapter IV, Article XIII, General Revenue Act of 1935, approved July 10, 1935.

Was taken up.

Mr. Swift offered the following amendment to the said bill, to-wit:

Amend Senate Bill 49 by striking the following "such expenditure to be made under the supervision of the governing body of such city or town", where same appears in lines 22 and 23 of Section 1, and by inserting in lieu thereof the following: "where such public streets are a continuation of public roads and high-ways through the incorporated city or town, such expenditure to be made under the supervision of the governing body of the County."

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Swift
Browder	Kuykendall	St. John	Taylor
Carlton	Mixon	Simpson	Tucker
Chesnut	Mooneyham	Starnes	Walton
Cook	Parrish	Stephens	Weaver
Dorsey	Richardson	Stoddard	Wellborn
Frazer	Riddle		

—26

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nays, 2.

Yeas:

Messrs.:

Bonner	Mixon	St. John	Taylor
Browder	Mooneyham	Simpson	Tucker
Chesnut	Parrish	Starnes	Walton
Cook	Richardson	Stephens	Weaver
Kelly	Riddle	Stoddard	Wellborn
Kuykendall	Russell	Swift	Woodall

—24

Nays: Messrs. Carlton and Frazer

— 2

The bill:

S. 76. To amend Schedules 156 and 156.1 of Section 348, in Chapter 4 of Article XIII, of an Act of the Legislature of Alabama entitled "An Act To Provide For the General Revenue Of The State of Alabama," approved July 10, 1935; and to repeal laws and parts of laws in conflict with the provisions hereof.

Was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the bill, to-wit:

S. 76. A bill to be entitled an Act to authorize the refunding to the various incorporated cities and towns in Alabama the amount of taxes collected by the State upon the sale, distribution or withdrawal from storage of gasoline used by such incorporated cities and towns, exclusively for lawful municipal purposes; to require the keeping of records and filing of reports by incorporated cities and towns; to fix penalties for failure to keep records herein required or the making of false reports in connection with claims for refunds; to authorize the State Tax Commission to prescribe the forms for use in making claims for refunds and otherwise administer the provisions of this Act; to designate the monies out of which such refunds may be made and the method of drawing warrants for same; to provide for paying the expenses of administering this Act; to fix the effective date thereof and to repeal all laws in conflict with the provisions hereof.

Be it enacted by the Legislature of Alabama:

Section 1. Excise taxes collected by the State of Alabama upon the sale, distribution or withdrawal from storage of gasoline used by the incorporated cities and towns in this State shall be refunded to such incorporated cities and towns, provided such gasoline was used by such municipality exclusively for lawful municipal purposes.

Section 2. Any incorporated city or town in this State, wishing to obtain a refund of the excise tax paid upon the sale, distribution or withdrawal from storage of gasoline used exclusively for lawful municipal functions, shall keep a complete and accurate record of all purchases of gasoline, clearly showing from whom such gasoline was purchased and whether or not the excise tax thereon was paid to such distributor, or the retail dealer from whom it was purchased. Where the gasoline is bought in Interstate Commerce less the state excise tax the municipality shall show that the tax was paid by such municipality direct to the State Tax Commission. The records must also show the actual gallonage withdrawn for and used exclusively in the operation of lawful municipal functions, and also the gallonage withdrawn for use other than

lawful municipal operations. Such records shall be open to the inspection of the State Tax Commission or its duly authorized agents. On or before the tenth of the month the proper officer of the municipality shall prepare a detailed report, on blanks furnished by the State Tax Commission, showing the total number gallons of gasoline purchased during the preceding calendar month and the gallons withdrawn for and actually used in the operation of lawful municipal functions. The municipality shall also furnish such information as may be required by the State Tax Commission. Failure or refusal to comply with the provisions of this Section shall forfeit the right of such city or town to a refund of the tax on the sale, distribution or withdrawal from storage of such gasoline.

Section 3. Claims for refunds shall be sworn to before some officer authorized to administer oaths and any false statement contained therein shall constitute perjury and upon conviction thereof, the person so convicted shall be punished as provided for in Section 5161 of the Code of 1923.

Section 4. For the purpose of paying the refund warrants, the State Tax Commission is hereby directed to deposit with the State Treasurer each month a sufficient sum out of the gasoline excise tax collections to provide for the payment of the warrants hereby authorized.

Section 5. Upon receipt of claims for refunds the State Tax Commission shall have same properly audited and if found correct, a warrant shall be issued upon a voucher approved by the Chairman of the Commission and by the Governor, payable to the Treasurer of the municipality making satisfactory claim. Said warrant shall be mailed on or before the 25th of the month in which the claim is received.

Section 6. The cost of administering this Act shall be paid out of the gasoline excise tax funds as now authorized or which may hereafter be authorized by law, on warrants drawn upon the State Treasurer on vouchers approved by the Chairman of the State Tax Commission and the Governor.

Section 7. This Act shall become effective on the first of the month next after approval by the Governor.

Section 8. All laws and parts of laws, local and general, in conflict herewith are hereby repealed.

Mr. Mooneyham offered the following substitute for the Substitute offered by the Committee on Finance and Taxation for the bill, to-wit:

A BILL

To be entitled an Act to amend Schedule 156.1 of Section 348, in Chapter 4 of Article XIII, of an Act of the Legislature of Alabama entitled "An Act To Provide For The General Revenue of The State of Alabama", approved July 10, 1935; and to repeal laws and parts of laws in conflict with the provisions hereof.

Be it enacted by the Legislature of Alabama:

Section 1. That Schedule 156.1 of Section 348, in Chapter 4 of Article XIII, of an Act of the Legislature of Alabama entitled "An Act To Provide For The General Revenue of The State of Alabama", approved July 10, 1935, be, and the same is hereby, amended so as to read as follows:

Schedule 156.1. Every distributor, refiner, retail dealer or storer of gasoline as herein defined shall pay an excise tax of six cents (\$0.06) per gallon upon the selling, distributing, storing or withdrawing from storage in this State for any use, gasoline as herein defined, provided, however, that this excise tax shall not be levied on the sale of gasoline in interstate commerce, and provided further, that where the excise tax of six cents (\$0.06) per gallon upon the sale, distribution, storage or withdrawal from storage of such gasoline shall have been paid by a distributor, refiner, or by retail dealer or storer, such payment shall be sufficient, the intention being that the tax shall be paid but once; provided, however, the excise tax herein and hereby levied upon the selling, distributing, storing or withdrawing from storage of gasoline used by the incorporated cities and towns in this State shall be refunded to such incorporated cities and towns, provided such gasoline was used by such municipality exclusively for lawful municipal purposes. Any incorporated city or town in this State, wishing to obtain a refund of the excise tax paid upon the sale, distribution, storage or withdrawal from storage of gasoline used exclusively for lawful municipal functions, shall keep a complete and accurate record of all purchases of gasoline, clearly showing from whom such gasoline was purchased and whether or not the excise tax thereon was paid to such distributor, or the retail dealer from whom it was purchased. Where the gasoline is bought in Interstate Commerce less the State excise tax the municipality shall show that this tax was paid by such municipality direct to the State Tax Commission. The records must also show the actual gallonage withdrawn for and used exclusively in the operation of lawful municipal functions, and also the gallonage withdrawn for use other than lawful municipal operations. Such records shall be open to the inspection of the State Tax Commission or its duly authorized agents. On or before the tenth of the month the proper officer of the municipality shall prepare a detailed report, on blanks furnished by the State Tax Com-

mission, showing the total number of gallons of gasoline purchased during the preceding calendar month and the gallons withdrawn for and actually used in the operation of lawful municipal functions. The municipality shall also furnish such information as may be required by the State Tax Commission. Failure or refusal to comply with the provisions of this schedule shall forfeit the right of such city or town to a refund of the tax on the sale, distribution, storage or withdrawal from storage of such gasoline. Claims for refunds shall be sworn to before some officer authorized to administer oaths and any false statement contained therein shall constitute perjury and upon conviction thereof, the person so convicted shall be punished as provided for in Section 5161 of the Code of 1923. For the purpose of paying the refund warrants, the State Tax Commission is hereby directed to deposit with the State Treasurer each month a sufficient sum out of the gasoline excise tax collections to provide for the payment of the warrants hereby authorized. Upon receipt of claims for refunds the State Tax Commission shall have same properly audited and if found correct, a warrant shall be issued upon a voucher approved by the Chairman of the Commission and by the Governor, payable to the Treasurer of the municipality making satisfactory claim. Said warrant shall be mailed on or before the 25th of the month in which the claim is received. The cost of administering these provisions for refund shall be paid out of the gasoline excise tax funds as now authorized or which may hereafter be authorized by law, on warrants drawn upon the State Treasurer on vouchers approved by the Chairman of the State Tax Commission and the Governor.

Section 2. That all laws or parts of laws in conflict with the provisions hereof are hereby repealed.

On motion of Mr. Swift, consideration of S. B. 76 and pending substitutes was indefinitely postponed by the Senate.

Yeas, 20; Nays, 8.

Yeas:

Messrs.:

Bonner	Frazer	Parrish	Swift
Carlton	Goldsmith	St. John	Taylor
Chesnut	Kuykendall	Starnes	Walton
Cook	Mixon	Stephens	Weaver
Dorsey	McConnell	Stoddard	Woodall

—20

Nays:

Messrs.:

Kelly	Richardson	Russell	Tucker
Mooneyham	Riddle	Simpson	Wellborn

— 8

Mr. Swift then moved that the Senate re-consider the vote by which it just postponed consideration of the bill and pending substitutes, which motion was lost and the Senate refused to re-consider said vote.

The bill:

H. 64. To submit to the qualified electors of Alabama an amendment to the Constitution of Alabama authorizing Morgan County to increase its indebtedness in a sum not exceeding \$115,000.00, in addition to that now authorized, for the purpose of acquiring and paying for additional real property adjoining that where the court house and jail now set, and constructing and equipping a jail building in said county authorizing the issuance and sale of bonds therefor; authorizing the levy and collection of taxes on all taxable property in Morgan County, Alabama, at a rate not to exceed one mill to pay said indebtedness; to provide that said levy and collection of taxes for said purpose shall not be continued for a period of more than fifteen years from the date of the levy thereof.

Was read a third time at length as required by the Constitution and passed.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Russell	Taylor
Carlton	Mixon	St. John	Tucker
Chesnut	Mooneyham	Simpson	Walton
Cook	McConnell	Starnes	Weaver
Dorsey	Parrish	Stephens	Wellborn
Frazer	Richardson	Stoddard	Woodall
Kelly	Rogers	Swift	

—27

Nays:—None.

The bill:

H. 69. To amend Section 9 of an Act entitled, "An Act to regulate the transportation, delivery, storage or sale of gasoline and other motor fuels in the State; to provide for the licensing by the State of certain individuals, firms, co-partnerships, corporations and associations engaging in the business of selling, distributing or the withdrawing from storage of gasoline and other motor fuels, and to provide penalties for doing business without such license; to require bonds before engaging in such business; to require reports to State Tax Commission and immediate payment of all taxes, penalties and interest upon discontinuance of business of selling, distributing or withdrawing from storage gasoline and other motor fuels, and to provide penalties for violations thereof; to regulate the transportation of gasoline and other motor fuels over the public

highways and navigable waters of the State, and to provide penalties for violations thereof; to provide for the time and manner of delivering gasoline and other motor fuels to service stations and other places at which same shall be offered for sale at retail to the public, and to provide penalties for violations thereof, to prohibit the delivery of gasoline from certain trucks and other vehicles to the tanks of motor vehicles, except in cases of emergency, and to provide penalties for the violation thereof; to provide for the condemnation and sale of conveyances, boats and other property used in the illegal transportation, sale or delivery of gasoline and other motor fuels in the State, and to provide for the distribution of the proceeds of all such sales; to provide for rewards to persons furnishing information leading to the arrest and conviction of persons violating the provisions of this Act; to provide for the restraining and enjoining of certain persons illegally selling, distributing, withdrawing from storage or transporting gasoline, and to provide generally for the enforcement of the provisions of this Act, Approved October 5, 1932."

Was read a third time at length and passed.

Yeas, 19; Nays, 6.

Yeas:

Messrs.:

Chesnut	Parrish	Starnes	Tucker	
Cook	Richardson	Stephens	Walton	
Kuykendall	Rogers	Stoddard	Weaver	
Mixon	Russell	Swift	Wellborn	
McConnell	Simpson	Taylor		—19

Nays:

Messrs.:

Dorsey	Goldsmith	Mooneyham	Woodall	
Frazer	Kelly			— 6

The bill:

H. 82. To propose an Amendment to the Constitution of the State of Alabama, amending Section 138 of Article 5, of the Constitution of Alabama; to order an election for the qualified Electors of the State of Alabama upon such proposed Amendment to be held at the next election held for any other constitutional amendment passed, approved and submitted by this session of the Legislature, or on failure to have such special election, then at the next general election held in this State after the expiration of three (3) months from and after final adjournment of the present Session of the Legislature at which this Amendment is proposed; and, to provide for notice to be given by the Governor for the holding of said election.

Was taken up.

Mr. Kelly offered the following amendment to the bill, to-wit:

Amend the caption, Section 2 and Section 3 of H. B. 82 by striking from each the following words wherever they appear therein, viz:

"at the next election held for any other constitutional amendment passed, approved and submitted by this session of the Legislature, or on failure to have such special election, then at the next general election held in this State."

And substitute in lieu thereof the following words:
"on the second Tuesday."

Which was adopted.
Yeas, 17; Nays, 10.

Yeas:

Messrs.:

Carlton
Chesnut
Cook
Kelly
Kuykendall

Mixon
Mooneyham
Parrish
Richardson

Riddle
St. John
Stephens
Stoddard

Taylor
Walton
Weaver
Woodall

—17

Nays:

Messrs.:

Bonner
Browder
Dorsey

Frazer
Russell
Simpson

Starnes
Swift

Tucker
Wellborn

—10

And on motion of Mr. Kelly, consideration of the bill, H. 82, and amendment, was temporarily postponed by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 179. To further provide for the general revenue of the State of Alabama, and to repeal an Act entitled, "To be entitled an Act to amend an Act entitled 'An Act to provide for the general revenue of the State of Alabama, approved July 10, 1935' by adding Schedule 155.4A and Schedule 155.4B to Section 348 of said Act, approved December 17, 1936".

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendments to the following House bills:

H. 169. To provide that in all counties in the State of Alabama, now or hereafter having more than one hundred and ten thousand population, and less than three hundred thousand population, according to the last, or any subsequent Federal census, that the Board of Revenue and Road Commissioners of such counties, by whatever name called, furnish to the office of Tax Assessor, automobile and gasoline, to be used only when necessary in the proper conducting of his office, and to the Tax Collector of such county, gasoline only, to be used during the time which he is required, under the law, to make collections in different precincts throughout the county, and to the Tax Agent, gasoline only, to be used only by him when necessary in carrying on the duties of his office, on requisition by them and to be paid out of the County Treasury by warrant to be drawn by the Board of Revenue and Road Commissioners on the general funds of such county.

Also:

H. 251. To provide for the payment to the Clerk and Sheriff of DeKalb County of costs and fees accruing after the passage of this Act which would otherwise be payable out of the Fine and Forfeiture Fund of DeKalb County to be paid quarterly out of the General Fund of said County instead of out of the Fine and Forfeiture Fund of said County; to provide for the method, manner and time of payment of the same and make the same a preferred claim against the General Fund of said County, and to provide that nothing in this Act contained shall otherwise affect the law with reference to the Fine and Forfeiture Fund of DeKalb County.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following:

By Mr. Sightler:

H. J. R. 152. Requesting the installation of a Sprinkler Fire Prevention System in the White House of the Confederacy, located adjacent to the State Capitol in Montgomery, Alabama.

WHEREAS, the White House of the Confederacy, located adjacent to the State Capitol in the City of Montgomery, Alabama, is a shrine for all of the people of the State of Alabama, and of the South; and,

WHEREAS, the said White House of the Confederacy houses valuable records which are not adequately protected from destruction by fire:

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF THE STATE OF ALABAMA, the Senate concurring, that the proper State authorities be, and they are hereby, requested to install in the White House of the Confederacy an adequate sprinkler system for prevention of fire.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

H. J. R. 152, set out in the foregoing Message from the House, was concurred in and adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House accedes to the request of the Senate for a Committee of Conference on the disagreement of the two Houses on the House amendment to the Senate bill:

By Mr. Mooneyham:

S. 16. To set up in the State Treasury a Property Tax Relief Fund and to provide for its distribution.

And the Speaker of the House appointed as conferees on the part of the House Messrs. Dominick, Castleberry and Ellis.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, with his objections and proposed amendment to the bill:

By Mr. DeVane:

H. 153. To authorize the payment of the members of the Court of County Commissioners of Choctaw County, Alabama, the sum of \$75.00 per month each out of the Excise Gasoline Tax Fund of the County for supervising the building and or maintaining public roads and or bridges in the County.

Said Governor's Message containing the proposed amendment being in words and figures as follows, to-wit:

"To the House of Representatives,
Montgomery, Alabama.

Gentlemen:

I am returning herewith to you, the Body in which it originated, House Bill No. 153 without my approval.

I offer the following Executive Amendment which, if adopted, will remove my objection to the Bill:

Amend said bill by amending Section 1 so that the same shall read as follows:

Section 1. The Court of County Commissioners of Choctaw County, Alabama, be and said court is hereby authorized and empowered to pay the members of said Court the sum of Three Dollars (\$3.00) per day not to exceed the sum of Seventy-five dollars (\$75.00) each month, out of that portion of the gasoline excise tax fund accruing to Choctaw County as levied by Schedule 156.9, Article 13, Chapter 4, of House Bill No. 324, approved July 10, 1935, for supervising the building, repairing or maintaining public roads or bridges in the County.

Respectfully,

(Signed) BIBB GRAVES,

Governor.

February 16, 1937."

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to said bill, H. 153, by a vote of a majority of the whole number elected to the House, said vote being: Yeas, 66; Nays, 0.

And said bill, H. 153, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House; said vote being: Yeas, 66; Nays, 0.

And said bill, together with the Governor's Message, containing the proposed amendment, is herewith sent to the Senate for its consideration.

E. F. Taylor,

Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Walton, the Senate concurred in the amendment proposed by His Excellency, the Governor, to the bill, H. 153, the title of which and said proposed amendment is set out in the foregoing Message from the House.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Browder	Mixon	Rogers	Taylor
Chesnut	Mooneyham	Russell	Tucker
Cook	McConnell	St. John	Walton
Dorsey	Parrish	Simpson	Weaver
Frazer	Richardson	Starnes	Wellborn
Kelly	Riddle	Stephens	Woodall

Nays:—None.

Which was a majority of the whole number elected to the Senate.

And said bill, as thus amended, was again read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder

Chesnut

Cook

Dorsey

Frazer

Goldsmith

Kelly

Kuykendall

Mixon

McConnell

Parrish

Richardson

Riddle

Rogers

Russell

St. John

Simpson

Starnes

Stephens

Stoddard

Taylor

Tucker

Walton

Weaver

Wellborn

Woodall

—26

Nays:—None.

Which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, with his objections and proposed amendment to the bill:

By Mr. Hill:

H. 293. To authorize the payment of the per diem of the members of the Court of County Commissioners of Marion County, Alabama, from the gasoline funds received by it from the State.

Said Governor's Message containing the proposed amendment being in words and figures as follows, to-wit:

"To the House of Representatives,

Montgomery, Ala.

Gentlemen:

I am returning to you, the Body in which it originated, House Bill No. 293 without my approval.

I suggest the following Executive Amendment, which, if adopted, will remove my objection to the bill:

Amend Section 1 of said Bill so that Section 1 shall read as follows:

Section 1. That from and after the passage of this act the per diem of the members of the Court of County Commissioners of Marion County, Alabama, while engaged in the performance of their duties in connection with the supervision, construction, maintenance and repair of the public roads and/or bridges of Marion County, Alabama, may be paid out of that part of the gasoline excise tax levied by Schedule 156.9 of Article 13, Chapter 4, of House Bill No. 324 approved July 10, 1935, accruing to Marion County, Alabama.

Respectfully,

(Signed) BIBB GRAVES,
Governor.

February 16, 1937."

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to said bill, H. 293, by a vote of a majority of the whole number elected to the House, said vote being: Yeas, 66; Nays, 0.

And said bill, H. 293, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House; said vote being: Yeas, 66; Nays, 0.

And said bill, together with the Governor's Message, containing the proposed amendment, is herewith sent to the Senate for its consideration.

E. F. Taylor,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Mixon, the Senate concurred in the amendment proposed by His Excellency, the Governor, to the bill, H. 293, the title of which and said proposed amendment is set out in the foregoing Message from the House.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Browder	Mixon	Russell	Taylor
Chesnut	Mooneyham	St. John	Tucker
Cook	McConnell	Simpson	Walton
Dorsey	Parrish	Starnes	Weaver
Frazer	Richardson	Stephens	Wellborn
Kelly	Riddle	Stoddard	Woodall
Kuykendall	Rogers	Swift	

—27

Nays:—None.

Which was a majority of the whole number elected to the Senate.

And said bill, as thus amended, was again read a third time at length and passed.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Chesnut	Mixon	Rogers	Stoddard
Cook	Mooneyham	Russell	Taylor
Dorsey	McConnell	St. John	Walton
Frazer	Parrish	Simpson	Weaver
Kelly	Richardson	Starnes	Wellborn
Kuykendall	Riddle	Stephens	Woodall

—24

Nays:—None.

Which was a majority of the whole number elected to the Senate.

RECESS

At 1 P.M., on motion of Mr. Russell, the Senate took a recess until 3 o'clock this afternoon.

AFTERNOON SESSION—TWENTY-FIFTH DAY

Tuesday, February 16th, 1937.

The Senate re-assembled at 3 P.M., President Pro-Tem Riddle presiding.

ROLL CALL

Present:

Messrs.:			
Bonner	Kelly	Rogers	Swift
Browder	Kuykendall	Russell	Taylor
Carlton	Mixon	St. John	Tucker
Chesnut	Mooneyham	Simpson	Walton
Cook	McConnell	Starnes	Weaver
Dorsey	Parrish	Stephens	Wellborn
Frazer	Richardson	Stoddard	Woodall
Goldsmith	Riddle		

—30

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Russell:

S. 148. To authorize and empower Boards of Revenue in Counties having a population of not less than 54,000 and not more than 64,000 inhabitants according to the Federal Census of 1930, and which may hereafter have such population according to any Federal Census hereafter taken, to expend County funds not exceeding Two Thousand (\$2,000.00) Dollars per annum for county purposes not otherwise provided for by law.

Committee on Local Legislation.

REPORTS OF COMMITTEES

Mr. Simpson, Chairman of the Standing Committee on Judiciary reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable re-

port, and it was read a second time and placed on the calendar, to-wit:

By Mr. Hill:

H. 260. To provide that the State Department of Public Welfare shall perform all duties incident to the payment of pensions to those persons entitled thereto under the provisions of Chapter 55, Article 1 of the Code of Alabama of 1923 as amended; and to provide that the County Department of Public Welfare shall perform all duties incident to the receipt and delivery of such pensions; and to require the State Auditor to furnish the State Department of Public Welfare with proper certifications of all persons eligible for pension under the provisions of Chapter 55, Article 1 of the Code of Alabama of 1923 as amended.

Mr. Russell, Chairman of the Standing Committee, on Finance & Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hill (with amendment):

H. 184. To make an appropriation to the State Department of Public Welfare for aid to the needy aged, to needy dependent and neglected children, and to the blind and otherwise handicapped needy persons, and to provide for the expenditure of such funds.

By Mr. Sanderson:

H. 298. For the relief of The American Workmen, a fraternal insurance society incorporated under the laws of The District of Columbia, and to appropriate for this purpose the sum of \$435.61 out of any money in the State Treasury, not otherwise appropriated, in order to reimburse the said The American Workmen for the above sum paid by The American Workmen under protest by check to the State Treasury through the Superintendent of Insurance in accordance with Section 8505 of the Code of Alabama which Section was subsequently declared unconstitutional by State Vs. Praetorians 226 Alabama 259, 146 So. 411.

By Mr. Hamner:

H. 228. To amend Schedule 29 of Section 348 of Article XIII, Chapter 1, of an Act entitled "An Act to provide for the General Revenue of the State of Alabama" Approved July 10, 1935.

By Mr. Merrill:

H. 342. To authorize and direct the members of the Court of County Commissioners of Cleburne County to supervise and inspect the construction and maintenance of roads and bridges and to provide that compensation for all supervision of road and bridge

work be paid out of the Gasoline Excise Tax Fund of Cleburne County and to provide when this Act shall become effective.

By Mr. Hall:

H. 349. To authorize the Commissioner Court of Greene County, Alabama to transfer Fifteen Thousand Dollars from the Gasoline Fund to the General Fund of said county.

By Mr. Hodges (with amendment):

H. 317. To authorize the payment of the per diem and mileage of the members of the Court of County Commissioners of Fayette County, Alabama out of the excise gas tax fund of the county when engaged in inspecting, accepting, building, repairing or maintaining public roads or bridges in said county; and to repeal all laws and parts of laws, general, special, private and local in conflict with the provisions of this Act.

By Mr. Douglass:

H. 271. To provide that in computing the net income of credit unions for purposes of the excise tax levied by Article XII, Chapter 1, of an act entitled "To provide for the General Revenue of the State of Alabama," approved July 10, 1935, there shall in addition to all other deductions provided by law, be deducted the amount paid out as dividends on the withdrawable shares thereof.

Mr. Tucker, Chairman of the Standing Committee on Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Chichester (with amendment):

H. 57. To Amend Sections 4601 and 4602 of the Code of Alabama of 1923.

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Chichester:

H. 364. To amend Section 7 of an act entitled "An Act to abolish the Board of Revenue or Commissioners Courts in all counties of this State having a population of 300,000 inhabitants or more according to the last or any subsequent Federal census and to establish in such counties a County Commission; to provide for the election of the members of said Commission, to fix the term of office, to define the powers and duties of such Commission and to fix the compensation of the members thereof." Approved June 16, 1931.

RESOLUTIONS

The Rules Committee reported the following joint resolution:

S. J. R. 46. BE IT RESOLVED BY THE SENATE, the House concurring, that when the two houses adjourn Wednesday, February 24, 1937 they adjourn Sine Die.

Which was adopted.

Yeas, 26; Nays, 2.

Yeas:

Messrs.:

Bonner	Goldsmith	Richardson	Stephens
Browder	Kelly	Riddle	Stoddard
Carlton	Kuykendall	Rogers	Swift
Chesnut	Mixon	Russell	Weaver
Cook	Mooneyham	St. John	Wellborn
Dorsey	McConnell	Simpson	Woodall
Frazer	Parrish		

—26

Nays: Messrs. Taylor and Walton

— 2

The Rules Committee also reported the following joint resolution:

S. J. R. 47. BE IT RESOLVED BY THE SENATE, the House concurring, that when the two Houses adjourn today, they adjourn to meet again on Wednesday, February 17, 1937 at 10 o'clock. .

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bill, your signature thereto is requested:

H. 179. To further provide for the general revenue of the State of Alabama, and to repeal an Act entitled, "To be entitled an Act to amend an Act entitled 'An Act to provide for the general revenue of the State of Alabama, approved July 10, 1935' by adding Schedule 155.4A and Schedule 155.4B to Section 348 of said Act, approved December 17, 1936."

E. F. Taylor,
Clerk.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a

two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. McDermott:

H. 183. To further conserve, protect and develop oysters on the bottoms within the boundaries of the State of Alabama, to prohibit dredging except under regulation of the Alabama Oyster Commission, to regulate the size of container used in measuring a barrel of oysters, to fix a uniform tax on oysters, to provide for license for dredging oysters and method for collecting tax on oysters harvested and disposition of same, to authorize the Alabama Oyster Commission to open and close reefs and planted oyster bottoms when in their opinion necessity requires it; to require and provide for licenses for persons, firms, corporations or associations to engage in the business of packing, canning, processing or dealing in oysters or transporting oysters; to require and provide licenses for brokers, dealers, commission men, hucksters or other persons, firms, corporations or associations who wholesale or retail oysters; to authorize the Alabama Oyster Commission to regulate the time, manner and means for shipping or transporting oysters and shrimp beyond the boundaries of the State of Alabama; to regulate the time, manner and means for planting oysters or oyster shells; to further provide for the duties of oyster inspectors and other employees of the Alabama Oyster Commission; by regulation to protect oyster bottom lessees in their rights as such lessees; to make it unlawful to resist arrest for violation of the provisions of this Act or any regulation based thereunder or to refuse any inspection of premises where oysters or other seafoods are kept or stored or to conspire or agree with any person, firm, corporation or association to evade any of the provisions of this Act or regulations based thereunder or any laws heretofore or hereafter enacted or the regulations based thereunder; to make it unlawful to remove or destroy any buoy, stake or other marker authorized to be set or placed by the Alabama Oyster Commission; to make it unlawful to take, catch or attempt to take or catch oysters or shrimp by the use of any unlicensed boat; to make it unlawful for any person, firm, corporation or association to buy or sell oysters or shrimp taken by means of an unlicensed boat or unlicensed tonger or unlicensed dredge; to provide for minimum size of oyster or shrimp which may be taken, bought or sold for commercial purposes; to provide license

for trucks or other motor-driven vehicles used in transporting oysters for commercial purposes; to provide for keeping records of all oysters or shrimp transported to market and provide for inspection of such record; to provide that before shrimp which have been taken or caught in waters of this State or from the waters within the territorial jurisdiction of the State may be carried or transported out of the State, same shall be brought to a port of entry designated by the Alabama Oyster Commission and then and there the tax provided by law shall be paid; to provide for a tax on shrimp which are carried out of the State; and to provide how same may be taken or transported beyond the boundaries of the State; to provide that a violation of any of the provisions of this Act or regulations based thereunder shall be a misdemeanor; and to provide for penalties for violation of same; and to provide for the repeal of all laws in conflict with the provisions of this Act; to determine what shall constitute seafoods; to vest title to all seafoods in the public waters of the State in the State of Alabama until title thereto has been legally divested; to give authority to the Oyster Commission to promulgate regulations relating to any and all seafoods which shall have the force and effect of law; to empower the Chief Enforcement Officer and the oyster inspectors to enforce all laws and regulations relating to the seafood industry; to require the captain of licensed boats to assist in making arrests for violation of laws and regulations relating to the seafood industry; to authorize the Oyster Commission to provide the necessary patrol boats and appoint deputy inspectors for such boats; to make it unlawful to catch, take or have oysters in possession at certain times of the year; to authorize the Commission to close the oyster season earlier than the first of May and open same later than the first of September when deemed necessary for the conservation and protection of oysters; to provide for proper culling of oysters; to provide for lessees of oyster bottoms to take uncultured oysters for planting purposes; to provide for the cultivation and development of oyster beds during the closed season; to provide restrictions for taking oysters from newly planted beds; to prohibit the taking or catching of oysters by any means between sunset and sunrise; to provide for licensing of all boats before beginning operation in the taking of oysters, shrimp or other seafoods; to authorize the Commission to have printed signs, words and/or numbers and require same to be posted on licensed boats; to provide privilege taxes and require same to be paid by factories or other establishments before they pack, can or process oysters or shrimp and on raw oyster shippers; to authorize the Commission to make agreement with other States relating to the catching and/or transporting of oysters from or into the State of Alabama for planting for commercial purposes.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing Message from the House was read one time at length and referred to appropriate Standing Committee as follows:

H. 183—To the Committee on Fish and Game.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has adopted the following:

By Rules Committee:

S. J. R. 47. Relative to two Houses adjourning today to meet again on Wednesday, February 17, 1937, at 10 o'clock.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

Mr. Simpson moved that the Senate non-concur in the following amendment by the House to the Resolution, S. J. R. 47, to-wit:

Amend Senate Joint Resolution 47 by changing "Wednesday February 17th" to "Thursday, February 18th."

Mr. Walton moved to table the motion of Mr. Simpson to non-concur, which motion prevailed and the Senate did table the motion to non-concur.

Yeas, 19; Nays, 8.

Yeas:

Messrs.:

Bonner
Carlton
Chesnut
Cook
Frazer

Kuykendall
Mixon
Mooneyham
McConnell
Parrish

Richardson
Riddle
Russell
Starnes
Stoddard

Taylor
Walton
Weaver
Woodall

—19

Nays:

Messrs.:

Browder
Dorsey

Rogers
St. John

Simpson
Stephens

Swift
Wellborn

— 8

The Senate then concurred in and adopted the amendment by the House to the resolution, S. J. R. 47, the title of which is set out in the foregoing Message from the House.

BILLS ON THIRD READING

The bill:

S. 89. To prohibit owners or managers of cattle or livestock to permit such cattle or livestock to run at large upon the State or Federal Highways in this State, or highways built or maintained by the Federal Government or the State Highway Department; to fix the liability of owners or managers of cattle or livestock running at large, to provide for proceedings for the enforcement of such liability for the impoundment of cattle or livestock running at large upon the above mentioned highways of the State, to fix a penalty for the violation of said provisions, and to repeal all laws in conflict with this Act.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 20; Nays, 10.

Yeas:

Messrs.:

Browder
Chesnut
Cook
Dorsey
Kelly

Kuykendall
Mixon
Mooneyham
McConnell
Parrish

Richardson
Russell
St. John
Starnes
Stephens

Taylor
Tucker
Walton
Weaver
Woodall

—20

Nays:

Messrs.:

Bonner
Carlton
Frazer

Goldsmith
Riddle
Rogers

Simpson
Stoddard

Swift
Wellborn

—10

The bill:

S. 32. To appropriate the sum of six hundred thousand dollars (\$600,000), from the treasury of the State of Alabama: to designate the purpose of and to whom said appropriation shall be made: and to provide when same shall be paid and how the same shall be expended.

Was taken up.

Mr. Browder offered the following substitute for the bill, to-wit:

A BILL

To be entitled an Act to appropriate the sum of three hundred fifty thousand dollars (\$350,000) from the Treasury of the

State of Alabama; to designate the purpose of and to whom said appropriation shall be made; and to provide when same shall be paid and how the same shall be expended.

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated out of the Treasury of the State of Alabama, to the Board of Trustees of the Alabama Insane Hospitals, the sum of three hundred fifty thousand dollars (\$350,000) payable in installments as follows:

Year 1936-37—one hundred thousand dollars (\$100,000.00)

Year 1937-38—one hundred twenty-five thousand dollars (\$125,000.00) and

Year 1938-39—one hundred twenty-five thousand dollars (\$125,000.00).

Section 2. That the amount hereby appropriated is for the purpose of the erection, construction, equipping of and addition to certain buildings on the properties of The Alabama Insane Hospitals. The said Board of Trustees is hereby given the discretion to ascertain and determine the buildings to be erected, and additions to be made.

Section 3. That the amount hereby appropriated is to be expended under the direction of the said Board of Trustees, and same is to be drawn from the State Treasury on requisitions drawn on and presented to the State Comptroller, by the Superintendent of The Alabama Insane Hospitals, which said requisitions must be approved by the Governor, and from time to time and as required or needed for the erection, construction, and additions as herein above provided for and in payment for materials, labor, payment to contractors, and for all other expenses connected with the erection and construction of said buildings and additions. Said appropriation is made to cover said buildings and additions erected, constructed and made during a period immediately following the date of the approval of this act by the Governor, to be withdrawn and applied as provided in this Section 3 next above.

Section 4. That all laws, and parts of laws, in conflict herewith are hereby expressly repealed.

Section 5. That this Act shall become effective immediately

Section 6. Said appropriation shall be available only when in the opinion of the Governor the condition of the treasury will permit, and shall be paid out only upon the approval of the Governor.

Mr. Bonner offered the following amendment to the substitute for the bill, to-wit:

Amend the substitute to Senate bill 32 by striking therefrom Section 6.

Which was lost.

Yeas, 5; Nays, 24.

<i>Yeas:</i>			
<i>Messrs.:</i>			
Bonner	Simpson	Swift	Weaver
Rogers			
			— 5
<i>Nays:</i>			
<i>Messrs.:</i>			
Browder	Kelly	Richardson	Stoddard
Carlton	Kuykendall	Riddle	Taylor
Chesnut	Mixon	Russell	Tucker
Cook	Mooneyham	St. John	Walton
Dorsey	McConnell	Starnes	Wellborn
Frazer	Parrish	Stephens	Woodall
			—24

And the substitute for S. 32 was then adopted.

Yeas, 29; Nays, 0.

<i>Yeas:</i>			
<i>Messrs.:</i>			
Bonner	Kuykendall	Rogers	Swift
Browder	Mixon	Russell	Taylor
Carlton	Mooneyham	St. John	Tucker
Chesnut	McConnell	Simpson	Walton
Cook	Parrish	Starnes	Weaver
Dorsey	Richardson	Stephens	Wellborn
Frazer	Riddle	Stoddard	Woodall
Kelly			
			—29

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 27; Nays, 2.

<i>Yeas:</i>			
<i>Messrs.:</i>			
Bonner	Kuykendall	Rogers	Swift
Browder	Mixon	Russell	Taylor
Carlton	Mooneyham	St. John	Tucker
Chesnut	McConnell	Simpson	Walton
Cook	Parrish	Starnes	Weaver
Dorsey	Richardson	Stephens	Wellborn
Frazer	Riddle	Stoddard	
			—27

Nays: Messrs. Kelly and Woodall — 2

The bill:

S. 83. To prevent the use of revenue, less the cost of collection, obtained from taxes on gasoline, naptha, and other liquid motor fuels or any device or substitute therefor, commonly used in internal combustion engines as is provided for in Schedule 156.1 of House Bill 324, Approved July 10, 1935, for any purposes other than for the construction, improvement, and maintenance of high-

ways and administrative expenses in connection therewith, including the retirement of bonds for the payment of which such revenues have been pledged, and for no other purposes.

Was taken up.

Mr. Chesnut offered the following amendment to the bill, to-wit:

Amend S. B. 83 by inserting the words "lubricating oil," immediately before the word "gasoline" where it occurs in the title and in Section 1.

Which was adopted.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers	Swift
Browder	Kuykendall	Russell	Taylor
Carlton	Mixon	St. John	Tucker
Chesnut	Mooneyham	Simpson	Walton
Cook	Parrish	Starnes	Weaver
Dorsey	Richardson	Stephens	Wellborn
Frazer	Riddle	Stoddard	Woodall

—28

Nays:—None.

Mr. Woodall offered the following amendment to the bill, to-wit:

Amend the caption and Section 1 of Senate Bill No. 83 by striking therefrom the words "and maintenance of highways, and administrative expenses in connection therewith" where they appear together therein, and inserting in lieu thereof the following words "and maintenance and supervision of highways and bridges and streets,"

Which was adopted.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers	Swift
Browder	Mixon	Russell	Taylor
Carlton	Mooneyham	St. John	Tucker
Chesnut	McConnell	Simpson	Walton
Cook	Parrish	Starnes	Weaver
Dorsey	Richardson	Stephens	Wellborn
Kelly	Riddle	Stoddard	Woodall

—28

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers	Swift
Browder	Mixon	Russell	Taylor
Carlton	Mooneyham	St. John	Tucker
Chesnut	McConnell	Simpson	Walton
Cook	Parrish	Starnes	Weaver
Dorsey	Richardson	Stephens	Wellborn
Frazer	Riddle	Stoddard	Woodall
Kelly			

—29

Nays:—None.

The bill:

S. 135. To amend Section 3770 of the 1923 Code of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers	Swift
Browder	Mixon	Russell	Taylor
Carlton	Mooneyham	St. John	Tucker
Chesnut	McConnell	Simpson	Walton
Cook	Parrish	Starnes	Weaver
Dorsey	Richardson	Stephens	Wellborn
Frazer	Riddle	Stoddard	Woodall

—28

Nays:—None.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Twenty-Fifth Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Fifth Legislative day approved by the Senate.

ADJOURNMENT

At 6 P.M., on motion of Mr. Dorsey and in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Wednesday, February 18, 1937, at 10 A.M.

 TWENTY-SIXTH DAY

Thursday, February 18th, 1937.

The Senate met pursuant to adjournment, President Pro-Tem Riddle presiding.

PRAYER

The Session was opened with prayer by Rev. H. G. Earnest, Doorkeeper of the Senate.

ROLL CALL

Present:

Messrs.:			
Bonner	Kelly	Riddle	Swift
Browder	Kuykendall	Rogers	Taylor
Carlton	Mixon	Russell	Thomas
Chesnut	Mooneyham	St. John	Tucker
Cook	McConnell	Simpson	Walton
Dorsey	McDowell	Starnes	Weaver
Frazer	Parrish	Stephens	Wellborn
Goldsmith	Richardson	Stoddard	Woodall

—32

JOURNAL

On motion of Mr. Starnes the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Simpson:

S. 149. To appropriate the sum of \$2,000.00, or so much thereof as may be necessary to the Alabama Boys Industrial School.

Committee on Finance & Taxation.

REPORTS OF COMMITTEES

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Russell:

S. 148. To authorize and empower Boards of Revenue in Counties having a population of not less than 54,000 and not more than 64,000 inhabitants according to the Federal Census of 1930, and which may hereafter have such population according to any Federal Census hereafter taken, to expend County funds not exceeding Two Thousand (\$2,000.00) Dollars per annum for county purposes not otherwise provided for by law.

Mr. Frazer, Chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Wellborn:

S. 147. To require the making of public annual reports by the various departments, bureaus, boards, commissions and institutions of the State.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills and House joint resolution, your signature thereto is requested:

H. J. R. 152. Requesting Sprinkler System for the White House of Confederacy.

Also:

H. 64. To submit to the qualified electors of Alabama an amendment to the Constitution of Alabama authorizing Morgan County to increase its indebtedness in a sum not exceeding \$115,000.00, in addition to that now authorized, for the purpose of acquiring and paying for additional real property adjoining that where the court house and jail now set, and constructing and equipping a jail building in said county authorizing the issuance and sale of bonds therefor; authorizing the levy and collection of taxes on all taxable property in Morgan County, Alabama, at a rate not to exceed one mill to pay said indebtedness; to provide that said levy

and collection of taxes for said purpose shall not be continued for a period of more than fifteen years from the date of the levy thereof.

Also:

H. 69. To amend Section 9 of an Act entitled, "An Act to regulate the transportation, delivery, storage or sale of gasoline and other motor fuels in the State; to provide for the licensing by the State of certain individuals, firms, co-partnerships, corporations and associations engaging in the business of selling, distributing or the withdrawing from storage of gasoline and other motor fuels, and to provide penalties for doing business without such license; to require bonds before engaging in such business; to require reports to State Tax Commission and immediate payment of all taxes, penalties and interest upon discontinuance of business of selling, distributing or withdrawing from storage gasoline and other motor fuels, and to provide penalties for violations thereof; to regulate the transportation of gasoline and other motor fuels over the public highways and navigable waters of the State, and to provide penalties for violations thereof; to provide for the time and manner of delivering gasoline and other motor fuels to service stations and other places at which same shall be offered for sale at retail to the public, and to provide penalties for violations thereof; to prohibit the delivery of gasoline from certain trucks and other vehicles to the tanks of motor vehicles, except in cases of emergency, and to provide penalties for the violation thereof; to provide for the condemnation and sale of conveyances, boats and other property used in the illegal transportation, sale or delivery of gasoline and other motor fuels in the State, and to provide for the distribution of the proceeds of all such sales; to provide for reward to persons furnishing information leading to the arrest and conviction of persons violating the provisions of this Act; to provide for the restraining and enjoining of certain persons illegally selling, distributing, withdrawing from storage or transporting gasoline, and to provide generally for the enforcement of the provisions of this Act, Approved October 5, 1932."

Also:

H. 293. To authorize the payment of the per diem of the members of the Court of County Commissioners of Marion County, Alabama, from the gasoline funds received by it from the State.

Also:

H. 153. To authorize the payment of the members of the Court of County Commissioners of Choctaw County, Alabama, the sum of \$75.00 per month each out of the Excise Gasoline Tax of the

County for supervising the building and or maintaining public roads and or bridges in the county.

Also:

H. 169. To provide that in all counties in the State of Alabama, now or hereafter having more than one hundred and ten thousand population, and less than three hundred thousand population, according to the last, or any subsequent Federal Census, that the Board of Revenue and Road Commissioners of such counties, by whatever name called, furnish to the office of Tax Assessor, automobile and gasoline, to be used only when necessary in the proper conducting of his office, and to the Tax Collector of such county, gasoline only, to be used during the time which he is required, under the law, to make collections in different precincts throughout the county, and to the Tax Agent, gasoline only, to be used only by him when necessary in carrying on the duties of his office, on requisition by them and to be paid out of the County Treasury by warrant to be drawn by the Board of Revenue and Road Commissioners on the general funds of such county.

Also:

H. 251. To provide for the payment to the Clerk and Sheriff of DeKalb County of costs and fees accruing after the passage of this Act which would otherwise be payable out of the Fine and Forfeiture Fund of DeKalb County to be paid quarterly out of the General Fund of said County instead of out of the Fine and Forfeiture Fund of said County; to provide for the method, manner and time of payment of the same and make the same a preferred claim against the General Fund of said County, and to provide that nothing in this Act contained shall otherwise affect the law with reference to the Fine and Forfeiture Fund of DeKalb County.

E. F. Taylor,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and resolution; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Hollis:

H. 319. To provide that in all counties in the State of Alabama with a population of not less than 17,800, nor more than 19,300, according to the last or any subsequent Federal Census, the per diem and mileage and any and all other Compensation which is now provided or may hereafter be provided by law for the members of the Commissioners Court, Board of Revenue or like governing body, shall be paid out of the proceeds of the gasoline excise tax fund accruing to the respective counties from the State of Alabama while the members of said bodies are engaged in the performance of their duties in connection with the supervision, construction, maintenance and/or repair of the public roads and/or bridges in their respective counties; to provide that nothing herein contained shall be construed as changing the per diem and mileage, or and any all other compensation which is now provided, or which may hereafter be provided by law for the members of said bodies in said counties; to repeal all laws and parts of laws, general, special and local in conflict herewith; and to provide for the effective date of this Act.

Also:

By Mr. Williams:

H. 366. To authorize and empower the County School Commission of Clarke County, Alabama, to buy or purchase necessary office equipment, furniture, fixtures, supplies, stationery, postage, telephone, telephone and telegraph services and pay for the same out of school funds of Clarke County, Alabama; and to authorize and empower the County School Commission of Clarke County, Alabama, to pay for out of the school funds of Clarke County, Alabama any office equipment, furniture, fixtures, supplies, stationery, postage, telephone, telephone and telegraph services, contracted for or purchased by the County School Commission of Clarke County, Alabama, subsequent to July 1st, 1936.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

A Bill will be introduced in the current session of the Legislature of Alabama, and its passage sought, which shall be substantially as follows:

A BILL
TO BE ENTITLED
AN ACT

To authorize and empower the County School Commission of Clarke County, Alabama, to buy or purchase necessary office equipment, furniture, fixtures, supplies, stationery, postage, telephone, telephone and telegraph services and pay for the same out of school funds of Clarke County, Alabama; and to authorize and empower the County School Commission of Clarke County, Alabama, to pay for out of the school funds of Clarke County, Alabama any office equipment, furniture, fixtures, supplies, stationery, postage, telephone, telephone and telegraph services, contracted for or purchased by the County School Commission of Clarke County, Alabama, subsequent to July 1st, 1936.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the County School Commission of Clarke County, Alabama, is hereby authorized and empowered to buy or purchase necessary office equipment, furniture, fixtures, supplies, stationery, postage, telephone, telephone and telegraph services and pay for the same out of the school funds of Clarke County, Alabama.

Section 2. That the County School Commission of Clarke County, Alabama is hereby authorized and empowered to pay for out of the school funds of Clarke County, Alabama, any office equipment, furniture, fixtures, supplies, stationery, postage, telephone, telephone and telegraph services contracted for or purchased by the County School Commission of Clarke County, Alabama, subsequent to July 1st, 1936.

Section 3. That if any section, clause or provision of this Act should be held invalid, it shall not affect the remaining portions not so held invalid.

Section 4. That all laws, general, special and local which are in conflict with the provisions of this Act be and the same hereby are repealed.

Section 5. That this Act shall go into effect immediately upon its passage and approval by the Governor.

STATE OF ALABAMA }
CLARKE COUNTY. }

I, G. A. Carleton, do hereby certify on oath that I am Owner and Publisher of the Clarke County Democrat, a weekly newspaper published in Clarke County, Alabama; and that the foregoing notice appeared in each of the issues of said newspaper dated, respectively January 7th, January 14th, January 21st, January 28th, and February 4th, 1937.

G. A. Carleton,

Subscribed and sworn to before me on this the 4th day of February, 1937.

John E. Adams,
Notary Public, Clarke County, Ala.

And ordered same returned forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing Message from the House were severally read one time at length and referred to appropriate standing committees as follows:

H. 319—To the Committee on Finance and Taxation.

H. 366—To the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill:

S. 17. To appropriate the sum of One Million Dollars (\$1,000,000.00) out of the General Fund to meet any deficit in the Alabama Special Educational Trust Fund.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Stoddard, the Senate concurred in the following amendment by the House to the bill, S. 17, the title of which is set out in the foregoing Message from the House, to-wit:

A BILL

To be entitled An Act to appropriate annually the sum of One and one-half Million Dollars (\$1,500,000.00), or so much thereof as may be necessary, for the years 1936-37, 1937-38, and 1938-39 out of the General Fund to meet any deficit in the Alabama Special Educational Trust Fund.

Be it enacted by the Legislature of Alabama:

Section 1. That the sum of One and one-half Million Dollars (\$1,500,000.00) annually, or so much thereof as may be necessary, be and the same is hereby appropriated out of the General Fund for each of the fiscal years 1936-37, 1937-38, and 1938-39, to meet any deficit that might occur in the Alabama Special Educational Trust Fund during these years.

Section 2. Should there be a deficit in the Alabama Special Educational Trust Fund in any of the years set out in Section 1 of this Act, the Comptroller shall transfer by warrant so much of

this appropriation as may be necessary to meet any deficit in the Alabama Special Educational Trust Fund in that year.

Section 3. All laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Section 4. This law shall take effect immediately upon its approval by the Governor.

Yeas, 25; Nays, 2.

Yeas:

Messrs.:

Bonner	Kuykendall	Riddle	Stoddard
Browder	Mixon	Russell	Taylor
Carlton	Mooneyham	St. John	Thomas
Chesnut	McConnell	Simpson	Tucker
Dorsey	Parrish	Starnes	Weaver
Goldsmith	Richardson	Stephens	Wellborn
Kelly			

—25

Nays:—Messrs.: Frazer and Rogers

— 2

And said bill, as thus amended, was again read a third time at length and passed.

Yeas, 28; Nays, 2.

Yeas:

Messrs.:

Bonner	Kuykendall	Russell	Taylor
Browder	Mixon	St. John	Thomas
Carlton	Mooneyham	Simpson	Tucker
Chesnut	McConnell	Starnes	Walton
Dorsey	Parrish	Stephens	Weaver
Goldsmith	Richardson	Stoddard	Wellborn
Kelly	Riddle	Swift	Woodall

—28

Nays:—Messrs.: Frazer and Rogers

— 2

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has adopted the following Senate joint resolution:

By Rules Committee:

S. J. R. 46. Relative to the two Houses adjourning Sine Die Wednesday, February 24, 1937.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Riddle, the Senate concurred in and adopted the following amendment by the House to the resolution, S. J. R. 46, the title of which is set out in the foregoing Message from the House, to-wit:

Amend Senate Joint Resolution No. 46 to read as follows:

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That when the two houses adjourn on Thursday, February 18, 1937, they adjourn to meet on Friday, February 19 at 10:00 A. M., and that when they adjourn on February 19, 1937, they adjourn to meet on Tuesday, February 23, 1937 at 11:00 A. M., and that when they adjourn on that day, they adjourn to meet Wednesday, February 24, 1937 at 10:00 A. M., and when they adjourn on that day they adjourn to meet Friday, February 26, 1937 at 10:00 A. M.

RESOLUTION

The Rules Committee reported the following resolution:

S. R. 48. BE IT RESOLVED BY THE SENATE, that when the Senate reaches the calendar for the day that the following be the order of business:

1. Local Bills.
2. Senate Bills in the order in which they appear on the calendar.
3. House Bills in the order in which they appear on the calendar.

And on motion of Mr. Tucker the resolution was adopted.

BILLS INDEFINITELY POSTPONED

On motion of Mr. Rogers, further consideration of the bills:

H. 294. To require all incorporated towns or cities in counties which may now or hereafter have a population of not less than 100,000 and not more than 300,000 according to the last or any succeeding federal census, to pay such county the reasonable cost of maintaining all persons at the county poor asylum or county detention homes who were residents of any such town or city at the time of their entrance therein; and to provide the method of accounting and payment therefor.

Was indefinitely postponed by the Senate.

On motion of Mr. Riddle, further consideration of the bill:

S. 121. To amend Sections 2, 3 and 4 of an Act, approved September 13, 1935 (General Acts 1935, page 1057), entitled "An Act to exempt Disabled Veterans of the World War and of the Spanish-American War and of the Civil War from the payment of business or occupational licenses in the State of Alabama and to regulate and restrict such exemptions, and to provide the manner in which such exemptions shall be allowed."

Was indefinitely postponed by the Senate.

CALENDAR BILL TEMPORARILY POSTPONED

On motion of Mr. Rogers, further consideration of the bill:

H. 349. To authorize the Commissioner Court of Greene County, Alabama to transfer Fifteen Thousand dollars from the Gasoline Fund to the General Fund of said County.

Was postponed by the Senate until the next Legislative Day.

Yeas, 27; Nays, 4.

Yeas:

Messrs.:

Bonner	Kuykendall	St. John	Thomas
Browder	Mixon	Simpson	Tucker
Chesnut	McConnell	Starnes	Walton
Cook	Parrish	Stephens	Weaver
Dorsey	Riddle	Stoddard	Wellborn
Frazer	Rogers	Swift	Woodall
Kelly	Russell	Taylor	

—27

Nays:—Messrs. Carlton, Goldsmith, McDowell and Richardson.

— 4

BILLS ON THIRD READING

The bill:

H. 325. To create and establish the Calhoun County Court; to define its jurisdiction and powers; to vest it with the powers and jurisdiction heretofore exercised by the Court of Common Pleas of Calhoun County; to provide for the transfer of cases from the dockets of the Court of Common Pleas to the Calhoun County Court; to abolish the Court of Common Pleas; to abolish the office of justice of the peace in Precincts 15 and 20; to provide for the officers of said court, their powers, duties, tenure and compensation; to prescribe rules of procedure for said court; and to provide for the execution of the process of said court and the operation thereof.

Was taken up.

The Standing Committee on Local Legislation reported the following amendment to the bill, to-wit:

Amend Section 4 of House Bill 325 by inserting at the end of the sentence concluding with the words "collected in all civil cases," and as a part of said sentence the following words, viz:

"except the first \$200.00 of such clerk's fees and Justice's fees collected in each calendar month (a total of \$2400.00 for each calendar Year) which shall be paid into the County treasury. It being the intent hereof that the compensation of said clerk shall be in the amounts such clerk's fees and Justice's fees shall exceed \$200.00 each month, and no more."

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Rogers	Taylor
Browder	Mixon	Russell	Thomas
Carlton	Mooneyham	Simpson	Tucker
Cook	McConnell	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Frazer	Parrish	Swift	Wellborn
Kuykendall	Riddle		

—26

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Rogers	Taylor
Browder	Mixon	Russell	Thomas
Carlton	Mooneyham	Simpson	Tucker
Cook	McConnell	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Frazer	Parrish	Swift	Wellborn
Kuykendall	Riddle		

—26

Nays:—None.

The bill:

H. 295. To provide that in all counties in Alabama having a population of not less than one hundred ten thousand (110,000) and not more than two hundred (200,000) thousand, the judge or judges of the Circuit Court of said counties, shall be furnished on his or their requisition to the Board of Revenue and Road Commissioners of such counties, and payable out of the county treasury, all necessary books, stationery, typewriters, postage and other necessary office equipment and expenses.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Rogers	Taylor
Browder	Mixon	Russell	Thomas
Carlton	Mooneyham	Simpson	Tucker
Cook	McConnell	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Frazer	Parrish	Swift	Wellborn
Kuykendall	Riddle		

—26

Nays:—None.

The bill:

S. 144. To amend Section 7 of an act entitled "An Act to abolish the Board of Revenue or Commissioners Courts in all counties of this State having a population of 300,000 inhabitants or more according to the last or any subsequent Federal census and to establish in such counties a County Commission; to provide for the election of the members of said Commission, to fix the term of office, to define the powers and duties of such Commission and to fix the compensation of the members thereof." Approved June 16, 1931.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Rogers	Taylor
Browder	Mixon	Russell	Thomas
Carlton	Mooneyham	Simpson	Tucker
Cook	McConnell	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Frazer	Parrish	Swift	Wellborn
Kuykendall	Riddle		

—26

Nays:—None.

The bill:

H. 342. To authorize and direct the members of the Court of County Commissioners of Cleburne County to supervise and inspect the construction and maintenance of roads and bridges and to provide that compensation for all supervision of road and bridge work be paid out of the Gasoline Excise Tax Fund of Cleburne County and to provide when this Act shall become effective.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Rogers	Taylor
Browder	Mixon	Russell	Thomas
Carlton	Mooneyham	Simpson	Tucker
Cook	McConnell	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Frazer	Parrish	Swift	Wellborn
Kuykendall	Riddle		

—26

Nays:—None.

The bill:

H. 364. To amend Section 7 of an act entitled "An Act to abolish the Board of Revenue or Commissioners Courts in all counties of this State having a population of 300,000 inhabitants or more according to the last or any subsequent Federal census and to establish in such counties a County Commission; to provide for the election of the members of said Commission; to fix the term of office, to define the powers and duties of such Commission and to fix the compensation of the members thereof." Approved June 16, 1931.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Rogers	Taylor
Browder	Mixon	Russell	Thomas
Carlton	Mooneyham	Simpson	Tucker
Cook	McConnell	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Frazer	Parrish	Swift	Wellborn
Kuykendall	Riddle		

—26

Nays:—None.

The bill:

H. 178. To amend Sections 2, 3 and 4 of an Act, approved September 13, 1935 (General Acts 1935, page 1057), entitled "An Act to exempt disabled Veterans of the World War and of the Spanish American War and of the Civil War from the payment of business or occupational licenses in the State of Alabama and to regulate and restrict such exemptions, and to provide the manner in which such exemptions shall be allowed".

Was read a third time at length and passed.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Browder	Kuykendall	Riddle	Swift
Carlton	Mixon	Rogers	Taylor
Chesnut	Mooneyham	Russell	Thomas
Cook	McConnell	St. John	Tucker
Dorsey	McDowell	Simpson	Walton
Goldsmith	Parrish	Starnes	Woodall
Kelly	Richardson	Stoddard	

—27

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, with his objections and proposed amendment to the bill:

By Mr. Chichester:

H. 179. To further provide for the general revenue of the State of Alabama, and to repeal an Act entitled, "To be entitled an Act to amend an Act entitled, 'An Act to provide for the general revenue of the State of Alabama, approved July 10, 1935,' by adding Schedule 155.4A and Schedule 155.4B to Section 348 of said Act, approved December 17, 1936."

Said Governor's Message containing the proposed amendment being in words and figures as follows, to-wit:

"To the House of Representatives,
Montgomery, Alabama.
Gentlemen:

I am herewith returning to you, the Body in which it originated, House Bill No. 179 without my approval.

In order to clarify certain matters in the bill and to make it more certain as to its administration, I suggest the following Executive Amendments, which, if concurred in, will remove my objection to the bill:

1. Amend Sub-division (c) of Section 4 of said bill so that the same shall read as follows:

(c) Amounts received from the sale or sales of livestock, poultry and other products of the farm, dairy, grove or garden, when said sale or sales are made by the producer or members of his immediate family, or employees forming a part of the producer's organization, in the original state of condition of preparation for sale; also amounts received from the gross proceeds from the sale of cotton in bales, whether compressed or not, unprocessed cotton seed, peanuts in lots of not less than a ton, and hay in lots of a ton or more, whether such sales be made by the original producer or not, and the amount received from the sale or sales of fertilizer, seeds for planting purpose, boxes, crates, paper or cloth bags for use in preparing agricultural products for market; provided, that nothing contained herein shall be construed as exempting amounts received from the sale of nursery stock or floral products.

2. Amend Sub-division (i) of Section 4 so that the same shall read as follows:

(i) Provided, however, that the provisions of Section 2 of this Act shall not apply to (1) amounts received from the sale of newspapers and agricultural or religious publications and magazines or to the sale of advertising space in said newspapers or publications, or to the sale of time or the facilities of any radio broadcasting station, or to those engaged in making said sales or to indoor or outdoor advertising; (2) amounts received from the sale of gasoline, lubricating oils, otherwise taxed, or from the sale of cigars, cigarettes and tobacco products otherwise taxed, or from the sale of alcoholic and/or cereal beverages upon the sale of which a tax is now or may hereafter be levied and collected as provided by law; (3) provided, however, that for the purpose of determining the amount of the license or privilege tax due by any person, firm or corporation under the provision of this act there shall be deducted from the gross sales or gross receipts of such person, firm or corporation, amounts received from the business on which or for engaging in which a license or privilege tax is levied by or under the provisions of Section 140, 141, 142, 143, 145, 146, and 147, and Schedule 91 of Section 348, Schedule 92 of Section 348, Section 149, and Schedule 159 of Section 348 of an Act approved July 10, 1935, and entitled, "An Act to provide for the general revenue of the State of Alabama"; (4) Provided further that for the purpose of determining the amount of any license or any privilege tax due by any person, firm or corporation, under the provisions of this Act, there shall be deducted from the gross sales or gross receipts of such person, firm or corporation the amount received from the sale of transportation, gas, water or electricity.

3. Amend Sub-division (j) of Section 4 so that the same shall read as follows:

(j) Amounts received from the sale of sweet-milk, butter-milk, corn meal, flour, dry salt sides, salt fat backs, plates, bellies, sugar and coffee, and the amounts received from the sale of lunches to school children in school buildings within the State when sold by any person or association or group not for profit.

4. Further amend the bill by amending Section 29 of the bill so that the same shall read as follows:

Section 29. INVALIDITY OF PARTS OF ACT NOT TO INVALIDATE ENTIRE ACT. If any clause, sentence, paragraph or part of this act shall for any reason be adjudicated by any court of competent jurisdiction to be invalid for any reason such judgment shall not effect, impair, or invalidate the remainder of this act but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered, except as otherwise provided in Section 28 of this Act. If any exemptions or exceptions from the provisions of this act should be held discriminatory, arbitrary or otherwise unconstitutional, the property which is the subject of the discriminatory, arbitrary or unconstitutional provision, the proceeds of the sale of which is exempted from the provisions of this act shall be subject to the license or privilege tax levied under Section 2 of this Act, and such holding shall not effect the remaining portions of this Act, the Legislature hereby declaring that it would enact the provisions of this act irrespective of any such exemptions or exceptions and if such exemptions or exceptions be discriminatory, arbitrary or otherwise invalid then such exemptions or exceptions shall be without effect.

Respectfully,

(Signed) BIBB GRAVES,

Governor.

February 18, 1937."

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to said bill, H. 179, by a vote of a majority of the whole number elected to the House, said vote being: Yeas, 59; Nays, 32.

And said bill, H. 179, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House; said vote being: Yeas, 59; Nays, 32.

And said bill, together with the Governor's Message, containing the proposed amendment, is herewith sent to the Senate for its consideration.

E. F. Taylor,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Riddle, the Senate concurred in the amendment proposed by His Excellency, the Governor, to the bill, H. 179, the title of which and said proposed amendment is set out in the foregoing Message from the House.

Yeas, 29; Nays, 3.

Yeas:

Messrs.:

Bonner	Mixon	Russell	Taylor
Browder	Mooneyham	St. John	Thomas
Carlton	McConnell	Simpson	Tucker
Chesnut	McDowell	Starnes	Walton
Cook	Parrish	Stephens	Weaver
Goldsmith	Richardson	Stoddard	Wellborn
Kelly	Riddle	Swift	Woodall
Kuykendall			

—29

Nays:—Messrs. Dorsey, Frazer and Rogers

— 3

Which was a majority of the whole number elected to the Senate.

And said bill, as thus amended, was again read a third time at length and passed.

Yeas, 18; Nays, 14.

Yeas:

Messrs.:

Browder	Kelly	Riddle	Taylor
Carlton	Kuykendall	St. John	Thomas
Chesnut	Mixon	Stephens	Weaver
Cook	Mooneyham	Stoddard	Wellborn
Goldsmith	Parrish		

—18

Nays:

Messrs.:

Bonner	McDowell	Simpson	Tucker
Dorsey	Richardson	Starnes	Walton
Frazer	Rogers	Swift	Woodall
McConnell	Russell		

—14

Which was a majority of the whole number elected to the Senate.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bill with the engrossed and original bill, respectively, and finds same correctly enrolled, to-wit:

S. 17. To appropriate annually the sum of One and one-half Million Dollars (\$1,500,000.00) or so much thereof as may be necessary, for the years 1936-37, 1937-38, and 1938-39 out of the General Fund to meet any deficit in the Alabama Special Educational Trust Fund.

Earl Thomas,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

RECESS

At 12:45 P.M., on motion of Mr. Russell, the Senate took a recess until 3 o'clock this afternoon.

AFTERNOON SESSION—TWENTY-SIXTH DAY

Thursday, February 18th, 1937.

The Senate re-assembled at 3 P. M., President Pro-Tem Riddle presiding.

ROLL CALL

Present:

Messrs.:			
Bonner	Kelly	Riddle	Swift
Browder	Kuykendall	Rogers	Taylor
Carlton	Mixon	Russell	Thomas
Chesnut	Mooneyham	St. John	Tucker
Cook	McConnell	Simpson	Walton
Dorsey	McDowell	Starnes	Weaver
Frazer	Parrish	Stephens	Wellborn
Goldsmith	Richardson	Stoddard	Woodall

—32

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Kuykendall:

S. 150. To relieve all persons in all Counties of the State of Alabama with a population of not less than 17,800 nor more than 19,300 according to the last or any subsequent Federal Census of any legal obligations to work on the public roads or streets of their respective Counties, or of paying any money in lieu of such legal obligation for work on the public roads or streets of their respective Counties.

Committee on Local Legislation.

By Mr. Kuykendall:

S. 151. To regulate the use, distribution and expenditure of the proceeds of the gasoline tax fund received from the State of Alabama in all Counties in the State of Alabama with a population of not less than 17,800 nor more than 19,300 according to the last or any subsequent Federal Census: to make the violations of the provisions of this Act a misdemeanor punishable by a fine in the amount specified herein; to provide the date on which this Act shall become effective and to repeal all laws in conflict herewith.

Committee on Finance & Taxation.

REPORTS OF COMMITTEES

Mr. Russell, Chairman of the Standing Committee on Finance & Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Taylor:

H. 106. To amend Section 42 of Article IV of an Act of the Legislature of 1927 "To provide a Code of Laws authorizing and governing the issuance, sale, regulation, funding, refunding, paying and retiring of bonds of the counties and municipal corporations and to repeal Sections 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2269, 2270, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 234, 235, 236, 237, 238, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, and 266, Code of Alabama of 1923, and all other laws or parts of laws in conflict with this Act."

By Mr. Chichester:

H. 135. To amend Section 47 of an act entitled, "An Act to provide for the general revenue of the State of Alabama", approved July 10th, 1935.

By Mr. Riddle:

S. 141. To appropriate from the General Fund of the State the sum of \$6500.000, or so much thereof as may be needed, to pay removal bills of prisoners because of insufficient appropriation for this purpose.

Mr. Frazer, Chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate without recommendation, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Kelly:

S. 146. To amend Sections 8540, 8542, 8543, 8544, 8545, 8546, 8550, 8552 and 8553, and to repeal Sections 8547, 8548, 8549 and 8551 of the Code of Alabama.

By Mr. Connor:

H. 129. To exempt from taxation lands in the purchase of which any municipality has invested, or may hereafter invest, money, pursuant to the terms of a lease sale contract or option agreement.

Mr. Frazer, Chairman of the Standing Committee on Revision

of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Walton:

S. 112. To amend Section 8998 of the Code of Alabama of 1923.

By Mr. Woodall:

S. 145. To Amend Section 4548 of the 1923 Code of Alabama.

By Mr. Calhoun:

H. 300. To amend Section 5024 of the Code of 1923.

REPORT OF COMMITTEE ON CONFERENCE

TO THE SENATE,
TO THE HOUSE OF REPRESENTATIVES,

We, your Committee on Conference appointed to consider the difference between the two houses on Senate Bill 16, beg leave to report as follows:

We recommend that Senate Bill 16 as amended and passed by the House of Representatives be passed.

J. P. Kelly
Floyd W. Mooneyham,
Conferees on part of the Senate.
Forest Castleberry
L. H. Ellis,
Aubrey Dominick,
Conferees on part of the House
of Representatives.

CONFERENCE REPORT

On motion of Mr. Mooneyham, the Senate concurred in and adopted the foregoing report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill:

S. 16. To set up in the State Treasury a Property Tax Relief Fund and to provide for its distribution.

Yeas, 21; Nays, 5.

Yeas:

Messrs.:

Browder
Chesnut
Dorsey
Kelly
Kuykendall
Mixon

Mooneyham
McConnell
Parrish
Riddle
Rogers

Russell
St. John
Simpson
Stephens
Swift

Thomas
Tucker
Walton
Weaver
Woodall

—21

Nays:

Messrs.:

Frazer
Goldsmith

Richardson

Taylor

Wellborn

— 5

And said bill, as thus amended, was again read a third time at length and passed.

Yeas, 27; Nays, 2.

Yeas:

Messrs.:

Bonner	Mixon	Rogers	Thomas
Browder	Mooneyham	Russell	Tucker
Chesnut	McConnell	St. John	Walton
Cook	McDowell	Simpson	Weaver
Dorsey	Parrish	Stephens	Wellborn
Kelly	Richardson	Swift	Woodall
Kuykendall	Riddle	Taylor	

—27

Nays:—Messrs. Frazer and Goldsmith

— 2

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Merrill:

H. 71. To provide for Clerks of the County Courts to act as Clerks in committing proceedings in criminal cases, to provide for their compensation and to ratify payments of costs in such proceedings.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing Message from the House was read one time at length and referred to appropriate standing committee as follows:

H. 71—To the Committee on Revision of Laws.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. McDermott:

H. 269. To authorize and empower the State Highway Commission to create sea wall districts in the State of Alabama and to administer the affairs of such districts: To authorize the erection, construction and maintenance of sea walls and to provide funds for such purposes.

Also:

By Mr. Staples:

H. 296. To amend Section 54 of the Municipal Bond Code, being an Act of the Legislature of Alabama, approved September 10th, 1927, entitled "An Act to provide a code of laws authorizing and governing the issuance, sale, regulation, funding, refunding, paying and retiring of bonds of the counties and municipal corporations, and to repeal Sections 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2269, 2270, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 234, 235, 236, 237, 238, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, and 266, Code of Alabama of 1923, and all other laws or parts of laws in conflict with this Act," as heretofore amended.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing Message from the House were severally read one time at length and referred to appropriate standing committees as follows:

H. 269—To the Committee on Revision of Laws.

H. 296—To the Committee on Municipalities.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 110. To provide additional compensation for judges of the circuit court in judicial circuits of this state now or hereafter having two judges and now or hereafter composed of five counties, one of said counties having a population of not less than 55,000 according to the last or any succeeding Federal census, and to provide the way and manner of paying the same.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Toomer:

H. 272. To further provide revenue for fish protection, propagation and distribution. To provide for license for fishing with rod and reel and with artificial bait. To provide for the issuance of said license and to whom issued. To provide for penalties for violation of the provisions of this Act and for other purposes.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing Message from the House was read one time at length and referred to appropriate standing committee as follows:

H. 272—To the Committee on Fish and Game.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the report of the Committee of Conference on the disagreement of the two houses on the House amendment to the following Senate bill:

S. 16. To set up in the State Treasury a Property Tax Relief Fund and to provide for its distribution.

And said bill, S. 16, as amended, was again read a third time at length and passed.

And said bill, S. 16, together with the Report of Committee of Conference, is herewith returned to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Hill:

H. 206. To amend Schedule 100 of Section 348, of Article XIII, Chapter 1, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Also:

By Mr. Dominick:

H. 266. To amend Section 2 of Act No. 546 of the Legislature of 1935, entitled "An Act to create a Board to be known as 'State Board of Adjustment'; to name its personnel to define its duties and powers and to authorize said Board to certify its findings to the Comptroller for the payment of its awards, decrees and findings out of the fund herein provided for; to provide the basis of awards and decrees and to make appropriation therefor," approved September 14, 1935.

Also:

By Mr. Miller:

H. 334. To authorize the Courts of County Commissioners, Boards of Revenue or other like governing bodies of counties which failed to order the Board of Registrars to meet at the County site of the various counties for the purpose of registering those entitled to register in January, 1937, be authorized to call such registrars to meet at the county sites of such counties for a period not exceeding ten days in February, 1937, for the purpose of registering those who are entitled to register.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing Message from the House were severally read one time at length and referred to appropriate standing committees as follows:

H. 206—To the Committee on Finance and Taxation.

H. 266—To the Committee on Revision of Laws.

H. 334—To the Committee on Privileges and Elections.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Douglass:

H. 161. To amend Section 7 of an Act of the Legislature entitled "an act to regulate the sale, transfer and possession of certain

types of firearms; to provide for the licensing of dealers and owners of such fire arms; to fix rules of evidence in the courts of this state in prosecutions for violation of this act; to prescribe penalties for the violation of any provision herein and to make uniform the law with reference thereto," approved April 6th, 1936.

Also:

By Mr. Ellis:

H. 238. To authorize the State Tax Commission to negotiate reciprocal agreements with the States bordering Alabama by which adjustments can be made covering collection of gasoline tax sold across State lines into Alabama or from Alabama into adjoining States; to provide for exchange of information concerning such transactions; to provide for adoption by the State Tax Commission of rules and regulations governing the adjustment of claims arising out of what is known as "border line sales and withdrawals"; to provide for paying the expense of administering this Act; to repeal all laws in conflict herewith, and to fix the effective date thereof:

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing Message from the House were severally read one time at length and referred to appropriate standing committees as follows:

H. 161—To the Committee on Judiciary.

H. 238—To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 104. To authorize and require Southern Railway Company, as successor to Florence Bridge Company, to discontinue maintenance and operation of the vehicular or highway portion of the bridge of the said Southern Railway Company across the Tennessee River between the cities of Florence and Sheffield, upon the completion and opening for traffic by the Highway Bridge Commission, Inc., of Alabama of a vehicular or highway bridge in the vicinity of said existing bridge to serve traffic between said cities,

and to authorize Southern Railway Company to continue the maintenance and operation of said bridge for railroad purposes.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

SPECIAL ORDERS

On motion of Mr. Stephens, the bills:

S. 131. To propose an amendment to Section 49 of Article IV of the Constitution of Alabama and, to provide for the submission of the proposed amendment to the qualified electors of the State on the first Tuesday following the expiration of three (3) months after the final adjournment of this session of the Legislature.

S. 130. To propose an amendment to Section 48 of Article IV of the Constitution of Alabama and, to provide for the submission of the proposed amendment to the qualified electors of the State on the first Tuesday following the expiration of three (3) months after the final adjournment of this session of the Legislature.

Were made Special, Paramount and Continuing Orders of Business on the Call of the Calendar for the next Legislative Day.

BILLS ON THIRD READING

The bill:

S. 124. To amend Section 20 of an Act entitled, "An Act to provide for the promotion, encouragement, development and regulation of air navigation, air navigation aids and facilities, airmen and aircraft; to provide for the survey, location, mapping and development of State Airways and Airway Facilities; to provide for the registration and issuance of permits to operators, aircraft and airmen, suspension and revocation of such permits; to provide for the encouragement of the location in the State of Aeronautical industries; to create a commission for the administration of this Act and for the enforcement of the laws of the State of Alabama and of the rules and regulations established by said Commission; to define and describe the powers, duties, responsibilities and privileges of said Commission; and to make an appropriation for the purpose of this Act", approved September 13, 1935.

Was taken up.

Mr. Walton offered the following amendment to the bill, to-wit:

Amend S. B. 124 by striking from said bill "\$15,000.00 annually" and inserting in lieu thereof the following "\$6500.00 annually for five years."

Yeas, 27; Nays, 3.

Yeas:

Messrs.:

Browder	Kuykendall	Rogers	Swift
Chesnut	Mixon	Russell	Taylor
Cook	Mooneyham	St. John	Thomas
Dorsey	McConnell	Simpson	Tucker
Frazer	Parrish	Starnes	Walton
Goldsmith	Richardson	Stephens	Woodall
Kelly	Riddle	Stoddard	

—27

Nays:—Messrs. Bonner, McDowell and Wellborn

—3

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 25; Nays, 5.

Yeas:

Messrs.:

Browder	Mooneyham	Russell	Swift
Chesnut	McConnell	St. John	Taylor
Cook	Parrish	Simpson	Thomas
Dorsey	Richardson	Starnes	Tucker
Kelly	Riddle	Stephens	Walton
Kuykendall	Rogers	Stoddard	Woodall
Mixon			

—25

Nays:

Messrs.:

Bonner	Goldsmith	McDowell	Wellborn
Frazer			

—5

The bill:

S. 61. To provide for the payment of the part of the educational appropriations to the public schools, to the institutions of higher learning, and to the educational services and agencies under the control of the State Board of Education for the year 1935-36, which part was unpaid due to proration under the State Budget Act.

Was taken up.

The Standing Committee on Education offered the following amendment to the bill to-wit:

AMEND Senate Bill No. 61:

By adding immediately after the words "State Budget Act" at the end of first sentence of Section 1, the following:

"Provided that such surplus or such surpluses in each year the same shall occur shall be divided ratably in proportion to their

respective appropriations for the years 1934-35 and 1935-36 among said public schools, said several institutions of higher learning and said several educational services and agencies under the control of the State Board of Education, without discrimination, until the part of said appropriations for said year of 1934-35 and 1935-36 so lost as aforesaid shall have been paid in full to them; provided further that said funds so paid to them under this Act shall be used for the same purposes and in the same proportions for such uses as are provided for in the Acts making said appropriations to them."

TO AMEND Senate Bill No. 61:

By striking out the words and figures "year 1935-36" wherever they appear together in the caption or in the bill and substitute therefor the words and figures "years 1934-35 and 1935-36"

Mr. Mooneyham moved that the Senate indefinitely postpone consideration of the bill, S. 61, and pending amendment, which motion prevailed and said bill, and pending amendment, was postponed.

Yeas, 16; Nays, 15.

Yeas:

Messrs.:

Cook	Mixon	Rogers	Stoddard
Frazer	Mooneyham	Russell	Taylor
Goldsmith	Richardson	St. John	Tucker
Kelly	Riddle	Starnes	Wellborn

—16

Nays:

Messrs.:

Bonner	Dorsey	Parrish	Thomas
Browder	Kuykendall	Simpson	Weaver
Carlton	McConnell	Stephens	Woodall
Chesnut	McDowell	Swift	

—15

PAIR ANNOUNCED

Mr. Walton announced that he and Mr. Walden were paired on this vote; that Mr. Walden, if present, would vote "No," and he, Mr. Walton, would vote "aye."

Mr. Frazer moved that the Senate re-consider the vote by which it just postponed said bill, which motion was lost and the Senate refused to re-consider said vote.

The bill:

S. 123. To prescribe the qualifications of County Superintendents of Education and City Superintendents of Schools and to provide for the certification of these officials.

Was taken up.

Mr. Browder offered the following amendment to the bill, to-wit:

Amend Senate Bill No. 123:

By adding immediately after the phrase "during the five years therefor "1942."

By adding immediately after the phrase "duirng the five years next preceding his appointment or election" in section 1 the following:

"or present evidence of ten years school administrative experience in addition to professional qualifications herein required."

By adding:

Section 3. All provisions of law in direct conflict with this act are hereby repealed.

Which was adopted.

Yeas, 19; Nays, 10.

Yeas:

Messrs.:

Browder	Mixon	Russell	Tucker	
Chesnut	McConnell	St. John	Weaver	
Cook	Richardson	Simpson	Wellborn	
Kelly	Riddle	Stephens	Woodall	
Kuykendall	Rogers	Swift		—19

Nays:

Messrs.:

Bonner	Goldsmith	Parrish	Taylor	
Carlton	Mooneyham	Stoddard	Walton	
Frazer	McDowell			—10

And said bill, as thus amended, was read a third time at length and lost by failure to receive the required Constitutional Majority.

Yeas, 16; Nays, 11.

Yeas:

Messrs.:

Browder	Mooneyham	St. John	Tucker	
Chesnut	McConnell	Simpson	Weaver	
Cook	Richardson	Stephens	Wellborn	
Kelly	Riddle	Swift	Woodall	
				—16

Nays:

Messrs.:

Bonner	Goldsmith	Parrish	Taylor	
Carlton	Kuykendall	Rogers	Walton	
Frazer	Mixon	Stoddard		—11

The bill:

S. 126. To empower Boards of Education in Counties, where the maximum salary of the Superintendent of Education is pre-

scribed by law, to fix, approve, and authorize the payment of the traveling expenses incurred by the Superintendent in the performance of his official duties within the county and the expenses incurred by him when his official duties require him to go outside of the County; to require Superintendents of Education to prepare and file on forms to be prescribed by the State Board of Education a certified itemized statement of the expenses incurred; and to provide that the payment of the expenses hereby authorized shall not constitute a part of the official salary of such Superintendents.

Was taken up.

Mr. Stoddard offered the following amendment to the bill, to-wit:

Amend Section 2 of S. B. 126 by adding thereto the following:

The accounts shall be verified by affidavit, and the total of such accounts shall in no event exceed the sum of six hundred dollars per annum.

Which was adopted.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers	Taylor
Carlton	Mixon	St. John	Tucker
Chesnut	Mooneyham	Simpson	Walton
Cook	Parrish	Starnes	Weaver
Dorsey	Richardson	Stephens	Wellborn
Kelly	Riddle	Stoddard	Woodall

—24

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed and ordered same sent forthwith to the House without engrossment.

Yeas, 23; Nays, 2.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Taylor
Browder	Kuykendall	Rogers	Tucker
Carlton	Mixon	St. John	Walton
Chesnut	Mooneyham	Starnes	Weaver
Cook	McConnell	Stephens	Woodall
Dorsey	Parrish	Stoddard	

—23

Nays:—Messrs. Richardson and Wellborn

— 2

The bill:

S. 120. For the relief of Kansas City Bridge Company.

Was taken up.

The Standing Committee on Finance and Taxation offered the following amendment to the bill, to-wit:

Amend Senate Bill 120 by adding after the word "No.", the following: "ABC-6."

Amend Senate Bill 120 by striking from said bill wherever the same appear together therein the words and figures "Thirty-seven Thousand, One Hundred Twenty-six and 43/100 Dollars (\$37,-126.43)" and insert in lieu thereof the following words and figures: "Twelve Thousand Five Hundred Dollars (\$12,500)."

Amend Section 2 of Senate Bill 120 by striking from lines 3 and 4 of Section 2 the following words where they appear together: "the money in the general fund, not otherwise appropriated," and insert in lieu thereof the following: "any funds allocated to the State Highway Department."

Mr. Wellborn moved that the Senate indefinitely postpone consideration of the bill, S. 120, and pending amendment, which motion prevailed and said bill and amendment were indefinitely postponed.

Yeas, 15; Nays, 12.

Yeas:

Messrs.:

Carlton	Kuykendall	Starnes	Weaver	
Cook	Mixon	Taylor	Wellborn	
Dorsey	McConnell	Thomas	Woodall	
Goldsmith	Richardson	Walton		—15

Nays:

Messrs.:

Bonner	Kelly	Riddle	Simpson	
Browder	Mooneyham	Rogers	Stephens	
Chesnut	Parrish	St. John	Tucker	
				—12

The bill:

S. 139. To amend Section 9997 of the Code of Alabama of 1923.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Thomas	
Browder	Kuykendall	Rogers	Tucker	
Carlton	Mixon	St. John	Walton	
Chesnut	Mooneyham	Simpson	Weaver	
Cook	McConnell	Starnes	Wellborn	
Dorsey	Parrish	Stephens	Woodall	
Goldsmith	Richardson	Taylor		—27

Nays:—None.

The bill:

S. 117. To require the circuit judges of the state of Alabama and the court reporters to provide free of charge transcripts of testimony in all capital cases tried before them and employ counsel for such defendant when in the opinion of the trial court the defendant is without means to purchase such transcript or employ such attorney and to provide for the taxing of said fee as cost in the case.

Was taken up.

The Standing Committee on Judiciary reported the following substitute for the bill, to-wit:

A BILL

To be entitled an act to require the circuit Judges of the State of Alabama and the court reporters to provide free of charge transcripts of testimony in all capital cases tried before them, when in the opinion of the trial court the defendant is without means to purchase such transcript.

Be it enacted by the Legislature of Alabama:

Section 1. Whenever a defendant is on trial in any case in which capital punishment might be inflicted and in which the circuit judge decides the defendant is unable to buy transcript, it shall be the duty of the court to order the court reporter to make a transcript of the testimony in said case and deliver a copy of same to such defendant without cost if he is convicted.

Section 2. This Act becomes effective upon passage and approval of the Governor.

Which was adopted.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Thomas
Browder	Kuykendall	St. John	Tucker
Carlton	Mixon	Simpson	Walton
Chesnut	Mooneyham	Stephens	Weaver
Cook	Parrish	Taylor	Woodall
Goldsmith	Richardson		

—22

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 20 ; Nays, 0.

Yeas:

Messrs.:

Bonner

Browder

Carlton

Chesnut

Cook

Dorsey

Kelly

Kuykendall

Mixon

Mooneyham

Parrish

Richardson

Riddle

St. John

Simpson

Stephens

Taylor

Walton

Weaver

Woodall

—20

Nays:—None.

The bill :

S. 142. To amend Sections 10304 and 10306 of the Code of 1923.

Was taken up.

Mr. Walton offered the following substitute for the bill, to-wit :

A BILL

To be entitled an act to amend Sections 10304 and 10306 of the Code of 1923.

Be it enacted by the Legislature of Alabama :

Section 1. That Sections 10304 and 10306 of the Code of 1923 be amended so as to read as follows :

10304. (5968) (3842) Secretaries appointed by the justice. The chief justice and the associate justices of the supreme court may appoint three secretaries for the supreme court, who shall hold office for the current term of the chief justice. They may be removed by the chief justice of his motion and must be removed upon the request of four associate justices. The vacancies may in like manner be filled for the unexpired term.

10306. (5970) (3844) Salaries. The annual salary of each secretary shall be one thousand eight hundred dollars per annum, payable monthly as the salary of officers are paid.

Which was adopted.

Yeas, 20 ; Nays, 1.

Yeas:

Messrs.:

Bonner

Browder

Carlton

Chesnut

Cook

Kelly

Kuykendall

Mixon

Mooneyham

Parrish

Riddle

St. John

Simpson

Stephens

Taylor

Thomas

Tucker

Walton

Weaver

Woodall

—20

Nay:—Mr. Dorsey

— 1

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 19; Nays, 2.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Tucker	
Browder	Kuykendall	St. John	Walton	
Carlton	Mixon	Simpson	Weaver	
Chesnut	Mooneyham	Stephens	Woodall	
Cook	Richardson	Thomas		—19

Nays:—Messrs. Dorsey and Taylor

— 2

BILL INDEFINITELY POSTPONED

On motion of Mr. Walton, the bill:

S. 115. To amend Section 9638 of the Code of Alabama of 1923.

Was indefinitely postponed by the Senate.

Yeas, 12; Nays, 9.

Yeas:

Messrs.:

Carlton	Kuykendall	Riddle	Tucker	
Dorsey	Mixon	Taylor	Walton	
Kelly	Parrish	Thomas	Woodall	

—12

Nays:

Messrs.:

Bonner	Cook	Richardson	Stephens	
Browder	Mooneyham	Simpson	Weaver	
Chesnut				— 9

— 9

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Tolbert:

H. 177. To amend Schedule 158.9 of Section 348, Chapter 6, of Article XIII, of an Act entitled, "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

Also:

By Mr. Ellis:

H. 373. To amend Sections 2 and 5 and 6 and 10 of an Act, entitled "An Act to create a system of unemployment compensa-

tion; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled, 'An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system and for other purposes; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of the Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act,' approved September 14, 1935, as amended by an Act entitled, "An Act to amend Section 18 of an Act approved September 14, 1935, and entitled, 'An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled, "An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system and for other purposes;" to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefits arrangements with other states of the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act, to regulate alienation of benefits; to provide penalties for failure to comply with or violation of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act' approved April 21, 1936.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing Message from the House were severally read one time at length and referred to appropriate standing committees as follows:

H. 177—To the Committee on Finance and Taxation.

H. 373—To the Committee on Judiciary.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Twenty-Sixth Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Sixth Legislative day approved by the Senate.

ADJOURNMENT

At 6:30 P. M., on motion of Dr. Parrish and in accordance with Joint Resolution heretofore adopted, the Senate adjourned until 10 A. M. tomorrow.

TWENTY-SEVENTH DAY

Friday, February 19th, 1937.

The Senate met pursuant to adjournment, President Pro-Tem Riddle presiding.

PRAYER

The session was opened with prayer by Rev. H. G. Earnest, Doorkeeper of the Senate.

ROLL CALL

Present:

Messrs.:			
Bonner	Kuykendall	Riddle	Swift
Browder	Locke	Rogers	Taylor
Carlton	Mixon	Russell	Thomas
Chesnut	Mooneyham	St. John	Tucker
Cook	McConnell	Simpson	Walton
Dorsey	McDowell	Starnes	Weaver
Frazier	Parrish	Stephens	Wellborn
Goldsmith	Richardson	Stoddard	Woodall
Kelly			

—33

JOURNAL

On motion of Mr. Walton the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 16. To set up in the State Treasury a Property Tax Relief Fund and to provide for its distribution.

S. 104. To authorize and require Southern Railway Company, as successor to Florence Bridge Company, to discontinue maintenance and operation of the vehicular or highway portion of the bridge of the said Southern Railway Company across the Tennessee River between the cities of Florence and Sheffield, upon the completion and opening for traffic by the Highway Bridge Com-

mission, Inc., of Alabama of a vehicular or highway bridge in the vicinity of said existing bridge to serve traffic between said cities, and to authorize Southern Railway Company to continue the maintenance and operation of said bridge for railroad purposes.

S. 110. To provide additional compensation for judges of the circuit court in judicial circuits of this state now or hereafter having two judges and now or hereafter composed of five counties, one of said counties having a population of not less than 55,000 according to the last or any succeeding Federal census, and to provide the way and manner of paying the same.

Earl Thomas,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 178. To amend Sections 2, 3 and 4 of an Act, approved September 13, 1935 (General Acts 1935, page 1057), entitled "An Act to exempt disabled Veterans of the World War and of the Spanish-American War and of the Civil War from the payment of business or occupational licenses in the State of Alabama and to regulate and restrict such exemptions, and to provide the manner in which such exemptions shall be allowed.

Also:

H. 295. To provide that in all counties in Alabama having a population of not less than one hundred ten thousand (110,000) and not more than two hundred (200,000) thousand, the judge or judges of the Circuit Court of said counties, shall be furnished on his or their requisition to the Board of Revenue and Road Commissioners of such counties, and payable out of the county treasury, all

necessary books, stationery, typewriters, postage and other necessary office equipment and expenses.

Also:

H. 342. To authorize and direct the members of the Court of County Commissioners of Cleburne County to supervise and inspect the construction and maintenance of roads and bridges and to provide that compensation for all supervision of road and bridge work be paid out of the Gasoline Excise Tax Fund of Cleburne County and to provide when this Act shall become effective.

Also:

H. 364. To amend Section 7 of an Act entitled, "An Act to abolish the Board of Revenue or Commissioners Courts in all counties of this State having a population of 300,000 inhabitants or more according to the last or any subsequent Federal census and to establish in such counties a County Commission; to provide for the election of the members of said Commission; to fix the term of office, to define the powers and duties of such Commission and to fix the compensation of the members thereof." Approved June 16, 1931.

Also:

H. 179. To further provide for the general revenue of the State of Alabama, and to repeal an Act entitled, "To be entitled an Act to amend an Act entitled 'An Act to provide for the general revenue of the State of Alabama, approved July 10, 1935' by adding Schedule 155.4A and Schedule 155.4B to Section 348 of said Act, approved December 17, 1936."

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

REPORTS OF COMMITTEES

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted

on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Robertson (Cullman):

H. 358. To provide that any County in the State of Alabama having a population of 41,000 or more, according to the last or any subsequent Federal census, in which there exists a Board of Finance and Control shall have the right or authority to employ stenographers, clerks or other assistants and shall expend not more than One Thousand (\$1000.00) Dollars in any one fiscal year in payment for the services of such stenographers, clerks or assistants.

By Mr. Williams:

H. 366. To authorize and empower the County School Commission of Clarke County, Alabama, to buy or purchase necessary office equipment, furniture, fixtures, supplies, stationery, postage, telephone, telephone and telegraph services and pay for the same out of school funds of Clarke County, Alabama; and to authorize and empower the County School Commission of Clarke County, Alabama, to pay for out of the school funds of Clarke County, Alabama any office equipment, furniture, fixtures, supplies, stationery, postage, telephone, telephone and telegraph services, contracted for or purchased by the County School Commission of Clarke County, Alabama, subsequent to July 1st, 1936.

By Mr. Kuykendall:

S. 150. To relieve all persons in all Counties of the State of Alabama with a population of not less than 17,800 nor more than 19,300 according to the last or any subsequent Federal census of any legal obligations to work on the public roads or streets of their respective Counties, or of paying any money in lieu of such legal obligation for work on the public roads or streets of their respective Counties.

Mr. Dorsey, Chairman of the Standing Committee on Fish and Game, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Toomer:

H. 272. To further provide revenue for fish protection, propagation and distribution. To provide for license for fishing with rod and reel and with artificial bait. To provide for the issuance of said license and to whom issued. To provide for penalties for violation of the provision of this Act and for other purposes.

Mr. Dorsey, Chairman of the Standing Committee on Fish and Game, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without Recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. McDermott (by request):

H. 183. To further conserve, protect and develop oysters on the bottoms within the boundaries of the State of Alabama, to prohibit dredging except under regulation of the Alabama Oyster Commission, to regulate the size of container used in measuring a barrel of oysters, to fix a uniform tax on oysters, to provide for license for dredging oysters and method for collecting tax on oysters harvested and disposition of same, to authorize the Alabama Oyster Commission to open and close reefs and planted oyster bottoms when in their opinion necessity requires it; to require and provide for licenses for persons, firms, corporations or associations to engage in the business of packing, canning, processing or dealing in oysters or transporting oysters; to require and provide licenses for brokers, dealers, commission men, hucksters or other persons, firms, corporations or associations who wholesale or retail oysters; to authorize the Alabama Oyster Commission to regulate the time, manner and means for shipping or transporting oysters and shrimp beyond the boundaries of the State of Alabama; to regulate the time, manner and means for planting oysters or oyster shells; to further provide for the duties of oyster inspectors and other employees of the Alabama Oyster Commission; by regulation to protect oyster bottom lessees in their rights as such lessees; to make it unlawful to resist arrest for violation of the provisions of this Act or any regulation based thereunder or to refuse any inspection of premises where oysters or other seafoods are kept or stored or to conspire or agree with any person, firm, corporation or association to evade any of the provisions of this Act or regulations based thereunder or any laws heretofore or hereafter enacted or the regulations based thereunder; to make it unlawful to remove or destroy any bouy, stake or other marker authorized to be set or placed by the Alabama Oyster Commission; to make it unlawful to take, catch or attempt to take or catch oysters or shrimp by the use of any unlicensed boat; to make it unlawful for any person, firm, corporation or association to buy or sell oysters or shrimp taken by means of an unlicensed boat or unlicensed tonger or unlicensed dredge; to provide for minimum size of oyster or shrimp which may be taken, bought or sold for commercial purposes; to provide license for trucks or other motor-driven vehicles used in transporting oysters for commercial purposes; to provide for keeping records of all oysters or shrimp transported to market and provide for inspection of such record; to

provide that before shrimp which have been taken or caught in waters of this State or from the waters within the territorial jurisdiction of the State may be carried or transported out of the State, same shall be brought to a port of entry designated by the Alabama Oyster Commission and then and there the tax provided by law shall be paid; to provide for a tax on shrimp which are carried out of the State; and to provide how same may be taken or transported beyond the boundaries of the State; to provide that a violation of any of the provisions of this Act or regulations based thereunder shall be a misdemeanor; and to provide for penalties for violation of same; and to provide for the repeal of all laws in conflict with the provisions of this Act; to determine what shall constitute seafoods; to vest title to all seafoods in the public waters of the State in the State of Alabama until title thereto has been legally divested; to give authority to the Oyster Commission to promulgate regulations relating to any and all seafoods which shall have the force and effect of law; to empower the Chief Enforcement Officer and the oyster inspectors to enforce all laws and regulations relating to the seafood industry; to require the captain of licensed boats to assist in making arrests for violation of laws and regulations relating to the seafood industry; to authorize the Oyster Commission to provide the necessary patrol boats and appoint deputy inspectors for such boats; to make it unlawful to catch, take or have oysters in possession at certain times of the year; to authorize the Commission to close the oyster season earlier than the first of May and open same later than the first of September when deemed necessary for the conservation and protection of oysters; to provide for proper culling of oysters; to provide for lessees of oyster bottoms to take uncultured oysters for planting purposes; to provide for the cultivation and development of oyster beds during the closed season; to provide restrictions for taking oysters from newly planted beds; to prohibit the taking or catching of oysters by any means between sunset and sunrise; to provide for licensing of all boats before beginning operation in the taking of oysters, shrimp or other seafoods; to authorize the Commission to have printed signs, words and/or numbers and require same to be posted on licensed boats; to provide privilege taxes and require same to be paid by factories or other establishments before they pack, can or process oysters or shrimp and on raw oyster shippers; to authorize the Commission to make agreements with other States relating to the catching and/or transporting of oysters from or into the State of Alabama for planting for commercial purposes.

Mr. Mooneyham, Chairman of the Standing Committee on Municipalities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate

without Recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Staples:

H. 296. To amend Section 54 of the Municipal Bond Code, being an Act of the Legislature of Alabama, approved September 10th, 1927, entitled "An Act to provide a code of laws authorizing and governing the issuance, sale, regulation, funding, refunding, paying, and retiring of bonds of the counties and municipal corporations, and to repeal Sections 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2269, 2270, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 234, 235, 236, 237, 238, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, and 266, Code of Alabama of 1923 and all other laws or parts of laws in conflict with this Act," as heretofore amended.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

S. 109. To provide that in all counties in the State of Alabama with a population of not less than 20,100, nor more than 20,500, according to the last or any subsequent Federal Census, the per diem and mileage and any and all other compensation which is now provided or may hereafter be provided by law for the members of the Commissioners Court, Board of Revenue or like governing body, shall be paid out of the proceeds of the gasoline excise tax fund accruing to the respective counties from the State of Alabama while the members of said bodies are engaged in the performance of their duties in connection with the supervision, construction, maintenance and/or repair of the public roads and/or bridges in their respective counties; to provide that nothing herein contained shall be construed as changing the per diem and mileage, or any and all other compensation which is now provided, or which may hereafter be provided by law for the members of said bodies in said counties; to repeal all laws and parts of laws, general, special and local in conflict herewith; and to provide for the effective date of this Act.

Also:

S. 143. To amend the Title and Sections 12, 16, 17 and 18 of an Act entitled "An Act relating to dependent, neglected or delinquent children in all counties of Alabama, which now have or which may hereafter have a population of not less than seventy-five thousand people and not more than one hundred thousand people according

to the last Federal Census or any such census that may be taken hereafter; to declare who are dependent, neglected or delinquent children, to declare that such children shall be wards of the State, to provide for their custody, discipline, supervision, care, protection, guardianship, and welfare; to create and establish in such counties Juvenile and Domestic Relations Courts and to provide for their equipment and maintenance; to create and confer upon such courts jurisdiction under the terms of this act; to try and determine the question on dependency; neglect or delinquency of children in such counties; and when found to be such to adjudicate and determine all questions as to their guardianship, custody, supervision, discipline, care, control, protection and training, and generally to confer upon such court jurisdiction and power to try and determine all questions arising under the terms of this act, or which may otherwise be referred to them by law for adjudication, or which may be necessary or convenient to the exercise of such jurisdiction or to carry out the purposes and intent of this act; to provide for the trial and punishment of those who aid, abet, cause or connive at or contribute to the delinquency, neglect or dependency of such children; to provide and regulate the procedure in such cases; to confer power upon such courts to make rules and regulations; and to provide such forms when not otherwise provided for, under the terms of this act as shall be found necessary or convenient to the exercise of its jurisdiction or for the conduct of probation officers or their work, as provided for in this act; to provide for the taking and enforcing of recognizances and bonds and for the taking of appeals from the decisions of such court; to provide for the trial of any delinquent in a criminal court of competent jurisdiction who has shown himself or herself to be unamenable to the discipline provided for such delinquent as provided under the terms of this act; and for the appointment of an Advisory Board to such court and to define the duties and powers of such court; to provide for the selection of the Judge and other Officers of such court and to define their powers and duties; and to provide for their compensation; to declare that should any part of this act be found unconstitutional that it shall not effect the remainder thereof and to provide for the repeal of all laws in conflict with this act." (Approved February 26, 1931 and as amended by an Act approved January 31, 1935).

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bills:

By Mr. McDermott:

H. 180. To amend Schedule 146 of Section 348 of Article XIII, Chapter 1, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Also:

By Mr. Poole (Butler):

H. 109. To further regulate and provide for pensions to be paid to the Widows of Confederate Soldiers and Sailors.

Also:

By Mr. Cox:

H. 374. To authorize and empower the Court of County Commissioners of Chilton County, Alabama, or like governing body of said county, to contract for, purchase, install, equip, operate and maintain one or more refrigerator compressors and drinking founts or refrigerated drinking founts and all machinery, equipment, supplies and appurtenances necessary therefor, in the court house of said county or on the premises thereof and to pay for the same out of the General Funds of said county.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

Notice is hereby given that there will be introduced in the present session of the Legislature of Alabama, a local bill for Chilton County, in substance as follows:

A BILL TO BE ENTITLED "AN ACT".

To authorize and empower the Court of County Commissioners of Chilton County, Alabama, or like governing body of said county, to contract for, purchase, install, equip, operate and maintain one or more refrigerator compressors and drinking founts or refrigerated drinking founts and all machinery, equipment, supplies and appurtenances necessary therefor, in the Court House of said county or on the premises thereof and to pay for the same out of the General Funds of said County.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1: That the Court of County Commissioners or other like governing body of said County is hereby authorized and empowered to contract for, purchase, install, equip, operate, and maintain one or more refrigerator compressors and drinking founts or refrigerated drinking founts with all machinery, equipment, supplies and appurtenances necessary therefor and to have the same installed in the Court House of said County or on the premises thereof for the purpose of furnishing drinking water for said County.

Section 2. That the Court of County Commissioners of Chilton County, or other like governing body is hereby authorized and empowered to pay for

and appropriate out of the General Funds of said County for said refrigerator compressor and drinking fount or refrigerated drinking fount, and for all machinery, equipment, supplies and appurtenances necessary therefor, and for the cost of the installation and maintenance of said drinking fount upon claims property itemized and sworn to as provided by law.

Section 3. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Section 4. That this Act shall take effect upon its passage and approval by the Governor.

STATE OF ALABAMA,
CHILTON COUNTY:

Before me, the undersigned Notary Public in and for said state and county, personally appeared Billy Smith, who being duly sworn deposes and says that he is the Publisher of the Chilton County News, a newspaper published at Clanton, in said state and county and that the attached "Notice of Local Bill" was published in said newspaper for four consecutive issues dated: January 21, 1937; January 28, 1937; February 4, 1937 and February 11, 1937.

Billy Smith,
Publisher.

Sworn and subscribed to before me this the 12th day of February, 1937

(Seal)

W. L. Smith,
Notary Public.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing Message from the House were severally read one time at length and referred to appropriate standing committees as follows:

H. 180—To the Committee on Finance and Taxation.

H. 109—To the Committee on Revision of Laws.

H. 374—To the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, with his objections and proposed amendment to the Bill:

By Mr. Moore:

H. 222. To provide for the compensation of members of the Board of County Commissioners of Bibb County out of the Gasoline Excise Tax Fund.

Said Governor's Message containing the proposed amendment being in words and figures as follows, to-wit:

"To the House of Representatives,
Montgomery, Alabama.
Gentlemen:

I am herewith returning to you, the Body in which it originated, House Bill No. 222 without my approval.

I suggest the following Executive Amendment which, if adopted, will remove my objection to the bill:

Amend Section 1 of said bill so that the same shall read as follows:

Section 1. Each member of the Court of County Commissioners of Bibb County, Alabama, shall be paid by the County Treasurer or Depository of Bibb County, Alabama, out of the gasoline excise tax fund levied by Schedule 156.9 of Article 13, Chapter 4, of House Bill No. 324, approved July 10, 1935, accruing to Bibb County for their services in inspecting the work of maintenance, up-keep and repairing the public roads of Bibb County, or for their services in supervising such work on said roads and all necessary traveling expenses incurred by them in performing said services, the sum of \$50.00 per month for each month so engaged, said sums to be paid by warrant drawn on the County Treasurer or County Depository on order of the Court of County Commissioners of Bibb County, Alabama.

Respectfully,

(Signed) BIBB GRAVES,
Governor.

February 16, 1937."

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to said bill H. 222, by a vote of a majority of the whole number elected to the House, said vote being: Yeas, 66; Nays, 0.

And said bill, H. 222, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House; said vote being: Yeas, 66; Nays, 0.

And said bill, together with the Governor's Message, containing the proposed amendment, is herewith sent to the Senate for its consideration.

E. F. Taylor,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Locke, the Senate concurred in the amendment proposed by His Excellency, the Governor, to the bill, H. 222, the title of which and said proposed amendment is set out in the foregoing Message from the House.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner
Browder

Carlton
Chesnut

Cook
Dorsey

Frazer
Goldsmith

Locke	Parrish	Simpson	Walton
Mixon	Riddle	Stephens	Weaver
Mooneyham	Rogers	Swift	Wellborn
McConnell	Russell	Tucker	Woodall
McDowell	St. John		

—26

Nays:—None.

Which was a majority of the whole number elected to the Senate.

And said bill, as thus amended, was again read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:			
Bonner	Goldsmith	Riddle	Swift
Browder	Locke	Rogers	Tucker
Carlton	Mixon	Russell	Walton
Chesnut	Mooneyham	St. John	Weaver
Cook	McConnell	Simpson	Wellborn
Dorsey	McDowell	Stephens	Woodall
Frazer	Parrish		

—26

Nays:—None.

Which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bills:

By Mr. Chichester:

H. 283. To amend Subdivision (m) of Section 2 of Article 1 of an Act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

Also:

By Mr. Miller:

H. 214. To amend Schedule 96 of Section 348, Chapter 1, Article 13 of an Act "to provide for the General Revenue of the State of Alabama" known as House Bill 324, approved July 10, 1935, as amended by House Bill 887 on page 901 of the printed Acts of the Legislature of 1935, and approved September 13, 1935.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing Message from the House were severally read one time at length and referred to appropriate standing committee as follows:

H. 283 and H. 214—To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Ellis:

H. 337. To fix the salaries and compensation of the Chief Justice and Associate Justices of the Supreme Court; The Judges of the Court of Appeals and the Judges of the several Circuit Courts of the State; to provide how same shall be payable; and to provide for the repeal of all laws and parts of laws in conflict with this Act; to provide when the provisions of this Act shall become effective.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing Message from the House was read one time at length and referred to appropriate Standing Committee as follows:

H. 337—To the Committee on Finance and Taxation.

CONSIDERATION OF SPECIAL ORDERS

Upon a call of the Calendar, the Senate proceeded to the consideration of the Special Orders for today, the first of which was, the bill:

S. 131. To propose an amendment to Section 49 of Article IV of the Constitution of Alabama and, to provide for the submission of the proposed amendment to the qualified electors of the State on the first Tuesday following the expiration of three (3) months after the final adjournment of this session of the Legislature.

Was taken up.

Mr. Woodall offered the following amendment to the bill, to-wit:

Amend Section 1 of Senate Bill No. 131 by adding thereto the proposed amendment the following words

"Providing however the members of the Legislature shall receive no further compensation or expenses than is herein provided."

Which was adopted.

Yeas, 33; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Riddle	Swift
Browder	Locke	Rogers	Taylor
Carlton	Mixon	Russell	Thomas
Chesnut	Mooneyham	St. John	Tucker
Cook	McConnell	Simpson	Walton
Dorsey	McDowell	Starnes	Weaver
Frazer	Parrish	Stephens	Wellborn
Goldsmith	Richardson	Stoddard	Woodall
Kelly			

—33

Nays:—None.

Mr. Dorsey offered the following amendment to the bill, to-wit:

Amend Senate Bill No. 131 by striking out in Section One Article IV Section 49 and substituting therefor:

"Article IV Section 49. The pay of the members of the Legislature shall be twenty-four hundred dollars (\$2400.00) for the quadrennium term, which shall be payable at the rate of Six Hundred Dollars (\$600.00) per annum and in the amount of two hundred dollars (\$200.00) on the first day of months February, March and April of each year. The members of the legislature shall also be paid ten cents (10¢) per mile in going to and from the seat of government, to be computed by the nearest route usually travelled. Provided, however, the members of the legislature shall receive no further compensation or expenses that is herein provided."

And on motion of Mr. Tucker, said amendment was laid on the table.

Yeas, 19; Nays, 13.

Yeas:

Messrs.:

Carlton	Locke	Simpson	Thomas
Chesnut	Mixon	Starnes	Tucker
Cook	Parrish	Stephens	Walton
Kelly	Riddle	Stoddard	Woodall
Kuykendall	St. John	Swift	

—19

Nays:

Messrs.:

Bonner
Browder
Dorsey
FrazerGoldsmith
Mooneyham
McConnellMcDowell
Richardson
RogersTaylor
Weaver
Wellborn

—13

And said bill, as thus amended, was read a third time at length as required by the Constitution and passed and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 11.

Yeas:

Messrs.:

Browder
Chesnut
Cook
Frazer
Kelly
KuykendallLocke
Mixon
Parrish
Richardson
Riddle
St. JohnSimpson
Starnes
Stephens
Stoddard
SwiftThomas
Tucker
Walton
Weaver
Woodall

—22

Nays:

Messrs.:

Bonner
Carlton
DorseyGoldsmith
Mooneyham
McConnellMcDowell
Rogers
RussellTaylor
Wellborn

—11

The bill:

S. 130. To propose an amendment to Section 48 of Article IV of the Constitution of Alabama and, to provide for the submission of the proposed amendment to the qualified electors of the State on the first Tuesday following the expiration of three (3) months after the final adjournment of this session of the Legislature.

Was read a third time at length as required by the Constitution and lost.

Yeas, 16; Nays, 15.

Yeas:

Messrs.:

Browder
Chesnut
Cook
KellyKuykendall
Parrish
Riddle
St. JohnSimpson
Stephens
Stoddard
SwiftThomas
Walton
Weaver
Woodall

—16

Nays:

Messrs.:

Bonner
Carlton
Dorsey
FrazerGoldsmith
Locke
Mooneyham
McConnellMcDowell
Richardson
Rogers
RussellTaylor
Tucker
Wellborn

—15

BILLS ON THIRD READING

The bill:

H. 339. To Amend Sections 6, 7, 9, 11, and 14 of an Act of the Legislature of Alabama approved September 7, 1935, entitled "An Act to further provide for freeing Alabama Highways of all toll bridges, through a corporation to be composed of the President of the State Board of Administration, the State Comptroller, and the Chairman of the State Highway Commission, whose incorporation is authorized, and to prescribe the power and authority of such corporation and provide it with funds necessary to enable it to accomplish the purpose of its creation."

Was read a third time at length and passed.

Yeas, 28; Nays, 2.

Yeas:

Messrs.:

Bonner	Kuykendall	Richardson	Swift
Browder	Locke	Riddle	Taylor
Carlton	Mixon	Russell	Thomas
Chesnut	Mooneyham	St. John	Tucker
Cook	McConnell	Simpson	Walton
Dorsey	McDowell	Starnes	Weaver
Frazer	Parrish	Stephens	Woodall

—28

Nays:—Messrs.: Goldsmith and Wellborn

—2

The bill:

S. 122. To provide for tenure of office of teachers in the public schools of Alabama.

Was taken up.

Mr. Browder offered the following amendment to the bill, to-wit:

Amend Senate Bill No. 122:

By adding after the word "graduation" in line 6 page 2 of the printed bill the following:

"or present evidence of at least ten years' successful teaching experience."

By adding after the word "contract" in line 18 on page 3 of the printed bill the following:

"except as herein provided"

By adding at the end of Section 3 "Provided, however, that any teacher or principal may be dismissed at anytime, without a hearing, on recommendation of the county or city superintendent and unanimous vote of entire membership of the Board, in which case written notice of dismissal, bearing the signature of the Superin-

tendent and each member of the employing board shall be furnished such teacher or principal."

By striking out the last provision of section three of the printed bill beginning with the word "provided" on page 4, line 3 and inserting in lieu thereof:

"Provided that such cancellation shall become effective at such time as may be determined by the Governing Board of Education."

Which was adopted.

Yeas, 25; Nays, 4.

Yeas:

Messrs.:

Bonner	Locke	Rogers	Thomas
Browder	Mooneyham	Russell	Tucker
Chesnut	McConnell	St. John	Walton
Cook	McDowell	Simpson	Weaver
Dorsey	Parrish	Starnes	Wellborn
Goldsmith	Richardson	Swift	Woodall

—25

Nays:—Messrs.: Carlton, Frazer, Kuykendall and Taylor

— 4

Mr. Swift moved that the Senate indefinitely postpone consideration of the bill, S. 122 and amendment, which motion was lost.

Yeas, 13; Nays, 17.

Yeas:

Messrs.:

Carlton	Goldsmith	McDowell	Swift
Cook	Kelly	Parrish	Taylor
Dorsey	Mixon	Rogers	Woodall

—13

Nays:

Messrs.:

Bonner	McConnell	Simpson	Tucker
Browder	Richardson	Starnes	Walton
Chesnut	Russell	Stephens	Weaver
Locke	St. John	Thomas	Wellborn
Mooneyham			

—17

Mr. Tucker offered the following amendment to the bill, to-wit:

Amend S. B. No. 122:

Page 2 line 18 printed copy by striking out words starting with "provided, however" and ending with the words "of the State" in line 22.

Which was adopted.

Yeas, 28; Nays, 2.

Yeas:

Messrs.:

Bonner	Carlton	Cook	Frazer
Browder	Chesnut	Dorsey	Kelly

Locke	Parrish	Simpson	Thomas
Mixon	Richardson	Starnes	Tucker
Mooneyham	Rogers	Stephens	Walton
McConnell	Russell	Swift	Weaver
McDowell	St. John	Taylor	Wellborn
—28			
<i>Nays</i> :—Messrs.: Goldsmith and Woodall			
— 2			

And said bill, as thus amended, was read a third time at length and lost by failure to receive the required Constitutional Majority.
Yeas, 17; Nays, 14.

<i>Yeas</i> :			
Messrs.:			
Bonner	McConnell	St. John	Tucker
Browder	Richardson	Simpson	Walton
Chesnut	Rogers	Starnes	Weaver
Locke	Russell	Thomas	Wellborn
Mooneyham			
—17			

<i>Nays</i> :			
Messrs.:			
Carlton	Goldsmith	McDowell	Swift
Cook	Kelly	Parrish	Taylor
Dorsey	Kuykendall	Stephens	Woodall
Frazer	Mixon		
—14			

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Twenty-seventh Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the Twenty-seventh Legislative day approved by the Senate.

ADJOURNMENT

At 1:30 P. M., on motion of Mr. McDowell and in accordance with joint resolution heretofore adopted, the Senate adjourned until Tuesday, February 23rd, 1937 at 11 A. M.

TWENTY-EIGHTH DAY

Tuesday, February 23rd, 1937.

The Senate met pursuant to adjournment, President Pro-Tem Riddle presiding.

PRAYER

The session was opened with prayer by Senator Chesnut of Cherokee County

ROLL CALL

Present:

Messrs.:			
Bonner	Kuykendall	Rogers	Taylor
Browder	Locke	Russell	Thomas
Carlton	Mixon	St. John	Tucker
Chesnut	Mooneyham	Simpson	Walden
Dorsey	McConnell	Starnes	Walton
Frazer	McDowell	Stephens	Weaver
Goldsmith	Parrish	Stoddard	Wellborn
Kelly	Riddle	Swift	Woodall

—32

JOURNAL

On motion of Mr. Mooneyham the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 143. To amend the Title and Sections 12, 16, 17 and 18 of an Act entitled "An Act relating to dependent, neglected or delinquent children in all counties of Alabama, which now have or which may hereafter have a population of not less than seventy-five thousand people and not more than one hundred thousand people according to the last Federal Census or any such census that may be taken hereafter; to declare who are dependent, neglected or delinquent children, to declare that such children shall be wards of the State, to provide for their custody, discipline, supervision, care, protection, guardianship, and welfare; to create and establish in such

counties Juvenile and Domestic Relations Courts and to provide for their equipment and maintenance; to create and confer upon such courts jurisdiction under the terms of this act; to try and determine the question on dependency, neglect or delinquency of children in such counties; and when found to be such to adjudicate and determine all questions as to their guardianship, custody, supervision, discipline, care, control, protection and training, and generally to confer upon such court jurisdiction and power to try and determine all questions arising under the terms of this act, or which may otherwise be referred to them by law for adjudication, or which may be necessary or convenient to the exercise of such jurisdiction or to carry out the purposes and intent of this act; to provide for the trial and punishment of those who aid, abet, cause or connive at or contribute to the delinquency, neglect or dependency of such children; to provide and regulate the procedure in such cases; to confer power upon such courts to make rules and regulations; and to provide such forms when not otherwise provided for, under the terms of this act as shall be found necessary or convenient to the exercise of its jurisdiction or for the conduct of probation officers or their work as provided for in this act; to provide for the taking and enforcing of recognizances and bonds and for the taking of appeals from the decisions of such court; to provide for the trial of any delinquent in a criminal court of competent jurisdiction who has shown himself or herself to be unamenable to the discipline provided for such delinquent as provided under the terms of this act; and for the appointment of an Advisory Board to such court and to define the duties and powers of such court; to provide for the selection of the Judge and other Officers of such court and to define their powers and duties; and to provide for their compensation; to declare that should any part of this act be found unconstitutional that it shall not effect the remainder thereof and to provide for the repeal of all laws in conflict with this act." (Approved February 26, 1931 and as amended by an Act approved January 31, 1935).

S. 109. To provide that in all counties in the State of Alabama with a population of not less than 20,100, nor more than 20,500, according to the last or any subsequent Federal Census, the per diem and mileage and any and all other compensation which is now provided or may hereafter be provided by law for the members of the Commisisoners Court, Board of Revenue or like governing body, shall be paid out of the proceeds of the gasoline excise tax fund accruing to the respective counties from the State of Alabama while the members of said bodies are engaged in the performance of their duties in connection with the supervision, construction, maintenance and/or repair of the public roads and/or bridges in their respective counties; to provide that nothing herein contained shall be construed as changing the per diem and mileage, or any and

all other compensation which is now provided, or which may hereafter be provided by law for the members of said bodies in said counties; to repeal all laws and parts of laws, general, special and local in conflict herewith; and to provide for the effective date of this Act.

Earl Thomas,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 222. To provide for the compensation of members of the Board of County Commissioners of Bibb County out of the Gasoline Excise Tax Fund.

Also:

H. 339. To Amend Sections 6, 7, 9, 11, and 14 of an Act of the Legislature of Alabama approved September 7, 1935, entitled "An Act to further provide for freeing Alabama Highways of all toll bridges, through a corporation to be composed of the President of the State Board of Administration, the State Comptroller, and the Chairman of the State Highway Commission, whose incorporation is authorized, and to prescribe the power and authority of such corporation and provide it with funds necessary to enable it to accomplish the purpose of its creation."

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a

two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

REPORTS OF COMMITTEES

Mr. Russell, Chairman of the Standing Committee on Finance & Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Simpson:

S. 149. To appropriate the sum of \$2,000.00, or so much thereof as may be necessary to the Alabama Boys Industrial School.

By Mr. Hill:

H. 206. To amend Schedule 100 of Section 348, of Article XIII, Chapter 1, of an Act entitled "An Act to provide for the General Revenue of the State of Alabama" approved July 10, 1935.

By Mr. Kuykendall:

S. 151. To regulate the use, distribution and expenditure of the proceeds of the gasoline tax fund received from the State of Alabama in all Counties in the State of Alabama with a population of not less than 17,800 nor more than 19,300 according to the last or any subsequent Federal Census; to make the violations of the provisions of this Act a misdemeanor punishable by a fine in the amount specified herein; to provide the date on which this Act shall become effective and to repeal all laws in conflict herewith.

By Mr. Ellis (with amendment):

H. 337. To fix the salaries and compensation of the Chief Justice and Associate Justices of the Supreme Court; The Judges of the Court of Appeals and the Judges of the several Circuit Courts of the State; to provide how same shall be payable; and to provide for the repeal of all laws and parts of laws in conflict with this Act; to provide when the provisions of this Act shall become effective.

Mr. Simpson, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Douglas (with amendment):

H. 161. To amend Section 7 of an Act of the Legislature en-

titled "an act to regulate the sale, transfer and possession of certain types of firearms; to provide for the licensing of dealers and owners of such firearms; to fix rules of evidence in the courts of this state in prosecutions for violation of this act; to prescribe penalties for the violation of any provision herein and to make uniform the law with reference thereto," approved April 6th, 1936.

By Mr. Cook:

H. 246. To amend Section 7409 of the Code of Alabama of 1923, as amended by an Act of the Legislature of 1923, approved April 19, 1933.

By Mr. Ellis:

H. 373. To amend Sections 2 and 5 and 6 and 10 of an Act entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled, 'An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system and for other purposes; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act, to regulate alienation of benefits; to provide penalties for failure to comply with or violations of the Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act," approved September 14, 1935, as amended by an Act entitled "An Act to amend Section 18 of an Act approved September 14, 1935, and entitled 'An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties;

to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system and for other purposes;" to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefits arrangements with other states of the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act, to regulate alienation of benefits; to provide penalties for failure to comply with or violation of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act' approved April 21, 1936.

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Cox:

H. 374. To authorize and empower the Court of County Commissioners of Chilton County, Alabama, or like governing body of said county, to contract for, purchase, install, equip, operate and maintain one or more refrigerator compressors and drinking founts or refrigerated drinking founts and all machinery, equipment, supplies and appurtenances necessary therefor, in the Court House of said county or on the premises thereof and to pay for the same out of the General Funds of said County.

By Mr. Todd:

H. 309. To authorize any municipality of over one hundred thousand population according to the last or any subsequent Federal Census to issue new bonds for mutilated bonds.

By Mr. Taylor:

H. 335. To provide for the relief of John H. Middleton and to require the Board of Revenue and Road Commissioners of Mobile County, Alabama to appropriate and the County Treasurer of Mobile County to pay to John H. Middleton the sum of \$300.00 for the destruction of a truck resulting from the negligence of employees of Mobile County.

By Messrs. O'Neal and Kirby:

H. 253. To further regulate and define the duties of the Court of County Commissioners as the present governing body of Jack-

son County and fix the monthly salary of each member at Seventy-five Dollars (\$75.00) per month and fix their duties to make the Judge of Probate the ex-officio chairman of the said Board of Revenue to serve without pay except as now provided by the law and to require that all purchases made by the County amounting to more than One Hundred Dollars (\$100.00) except for repair parts on tractors and graders shall be bought under competitive bidding, to require that a system of accounting shall be adopted and a bookkeeper for the County Court of Commissioners be appointed by the Commissioners to fix his duties. His salary shall not exceed Nine Hundred Dollars (\$900.00) per annum, to provide that all salaries, including the members of the Commissioners and the County bookkeeper shall be paid out of the Gasoline fund of Jackson County, to require that all payrolls must be itemized and presented to the County bookkeeper who shall keep a copy thereof and the County bookkeeper shall prepare an individual check for payment of each employee of the County, to require that said check shall be signed by the Judge of Probate in his capacity as ex-officio chairman of the Board of Revenue, to require that such itemized payroll shall be subject to approval of the Board of Revenue.

By Mr. Miles:

H. 363. To allow the Register in Chancery of the Circuit Court of Blount County, Alabama, a clerk; to provide for the appointment and tenure of office of said clerk to fix the salary of said clerk and to make the same payable out of the general funds of Blount County in monthly installments.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. McDermott:

H. 182. To amend Section 348, Article XIII, Chapter 1, of an act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing Message from the House was read one time at length and referred to appropriate standing committee as follows:

H. B. 182—To the Committee on Finance and Taxation.

MOTION TO RE-CONSIDER VOTE

Mr. Mooneyham moved that the Senate re-consider the vote by which the bill:

S. 130. To propose an amendment to Section 48 of Article IV of the Constitution of Alabama and, to provide for the submission of the proposed amendment to the qualified electors of the State on the first Tuesday following the expiration of three (3) months after the final adjournment of this session of the Legislature.

Was lost on the last Legislative day, which motion prevailed.

MESSAGE FROM THE GOVERNOR

On motion of Mr. Wellborn, the Senate concurred in and adopted the amendment proposed by the Governor, to the bill:

S. 59. To declare all banks incorporated under the laws of Alabama to be instrumentalities of the State of Alabama, and to require such banks to perform certain specified service for the State and its subdivision in addition to all other duties now required of them.

Said Governor's Message being in the following words and figures, to-wit:

To the Senate of Alabama,
Montgomery, Alabama.
Gentlemen:

I am returning to you, the Body in which it originated, Senate Bill No. 59 without my approval.

I suggest the following Executive Amendment, which if adopted, will remove my objection to the bill:

Amend Senate Bill No. 59 by striking out Section 2 thereof and inserting in lieu thereof the following:

Section 2. It is the Legislative intent in passing this act to relieve State banks from any duty, obligation, responsibility or liability imposed upon them by what is known as the Un-employment Insurance feature of the Social Security Act, State and Federal, but nothing herein shall be construed to relieve such banks from any duty, responsibility, liability or obligation imposed upon them under any other State law now existing or that may be hereafter enacted.

Respectfully,
Bibb Graves,
Governor.

February 23, 1937.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Browder	Locke	Rogers	Taylor
Carlton	Mixon	Russell	Thomas
Chesnut	Mooneyham	St. John	Walden
Dorsey	McConnell	Simpson	Walton
Goldsmith	McDowell	Starnes	Weaver
Kelly	Parrish	Stephens	Wellborn
Kuykendall	Riddle	Stoddard	

—27

Nays:—None.

Which was a majority of the whole number elected to the Senate.

And said bill, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Browder	Locke	Rogers	Taylor
Carlton	Mixon	Russell	Thomas
Chesnut	Mooneyham	St. John	Walden
Dorsey	McConnell	Simpson	Walton
Goldsmith	McDowell	Starnes	Weaver
Kelly	Parrish	Stephens	Wellborn
Kuykendall	Riddle	Stoddard	

—27

Nays:—None.

Which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House joint resolution:

By Rules Committee:

H. J. R. 180. Be it resolved by the House, the Senate concurring, that the House and Senate recess at 1 o'clock until 3 o'clock P. M., that they then remain in session until 6 o'clock P. M. and return for a night session at 8 o'clock P. M. and that they remain in session until all House Bills on the special order calendar have been disposed of by the House and all emergency Senate Bills on the Senate calendar have been disposed of.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

H. J. R. 180, set out in the foregoing Message from the House was read and referred to the standing committee on Rules.

RESOLUTION

The Rules Committee reported the following joint resolution, to-wit:

S. J. R. 49. RESOLVED BY THE SENATE, the House concurring, that when the two Houses adjourn today they adjourn to meet again tomorrow, Wednesday, February 24th, 1937, at 10 o'clock A. M.

Which was adopted.

BILLS ON THIRD READING

The bill:

S. 133. To amend Section 3500 of the Code of Alabama of 1923.

Was taken up.

The Standing Committee on Revision of Laws reported the following amendment to the bill, to-wit:

Amend Senate Bill 133 by striking from Section (16) of said bill the following words: "or the Commissioner of Labor."

Which was adopted.

Yeas, 15; Nays, 9.

Yeas:

Messrs.:

Dorsey

Kelly

Kuykendall

Locke

Mixon

McConnell

Parrish

Riddle

St. John

Simpson

Starnes

Stephens

Stoddard

Taylor

Wellborn

—15

Nays:

Messrs.:

Frazer

Goldsmith

McDowell

Rogers

Russell

Thomas

Walden

Walton

Weaver

—9

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 18; Nays, 9.

Yeas:

Messrs.:

Browder

Chesnut

Kelly

Kuykendall

Locke

Mixon

Mooneyham

McConnell

Parrish

Rogers

St. John

Simpson

Starnes

Stephens

Stoddard

Walton

Weaver

Wellborn

—18

Nays:

Messrs.:

Dorsey

Goldsmith

McDowell

Riddle

Russell

Swift

Taylor

Thomas

Walden

—9

The bill:

S. 125. To amend Sections 1, 5, 7, 8, 9, 14, 16, 19, 20, 24 and 35 of an Act of the Legislature of Alabama, approved March 29, 1933, entitled "An Act to authorize any county, city or incorporated town of the State of Alabama, subject to the limitations herein stated, to purchase or construct a waterworks system, water supply system, sewer system, sanitary disposal equipment and appliance, or gas system, and in furtherance thereof to purchase or construct any necessary part of any such system either within or without the limits of such county, city or incorporated town, as the case may be; and to authorize any county, city or incorporated town of the State of Alabama now or hereafter owning and operating any such system to improve, enlarge, extend or repair the same; and for any such purpose or purposes to authorize any such county, city or incorporated town to issue revenue bonds payable solely from the revenues derived from the operation of any such system or systems; to regulate the issuance, sale, retirement, and refunding of such bonds and of other matters in connection therewith; to regulate the use of the revenues of such system or systems when such bonds are issued or outstanding; to provide for the operation of any such system or systems in case of deficiencies in such revenues; to confer upon the State Board of Health certain powers with reference to any such sewer system; and for other purposes," as heretofore amended.

Was taken up.

The Standing Committee on Revision of Laws reported the following amendment to the bill, to-wit:

Amend Senate bill No. 125 by adding at the end of Section 11 the following:

This Section shall not, however, apply to any bonds authorized by the ordinance adopted by the governing body of any borrower prior to the effective date of this Act.

And on motion of Mr. Simpson, said amendment was laid on the table.

The Standing Committee on Revision of Laws also reported the following amendment to the bill, to-wit:

Amend Section 8 of Senate Bill 125 to read as follows:

Section 8. That Section 19 of said Act approved March 29, 1933, be and the same is hereby amended so as to read as follows:

"Section 19. Any borrower acquiring, improving, enlarging, extending or repairing any such system or combined system pursuant to the provisions of this Act, may, in the event that the proceeds of any issue of revenue bonds, by error of calculation or otherwise, shall be less than the amount required for the purpose or purposes for which the same shall be authorized, issue additional bonds under the provisions of this Act to provide the amount of such deficit, or, in the event that later extensions and permanent improvements to such system or combined system appear to be desirable, issue from time to time additional bonds under the provisions of this Act to provide funds for such purposes. If such additional bonds are issued for the purpose of providing funds necessary to supply any such deficit, they shall, unless otherwise provided in the ordinance authorizing the original issue of bonds or in any trust indenture thereby authorized, be deemed to be of the same issue and to be entitled to payment from the same fund without preference or priority of the bonds first issued. If, however, such bonds are issued to provide funds for the acquisition of other extensions or permanent improvements, such bonds shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued only in the event that it shall be specifically so provided in the ordinance authorizing the original issue of bonds or in any trust indenture thereby authorized."

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder

Chesnut

Dorsey

Kelly

Kuykendall

Locke

Mixon

Mooneyham

McConnell

McDowell

Parrish

Riddle

Rogers

Russell

St. John

Simpson

Stephens

Stoddard

Swift

Taylor

Thomas

Tucker

Walden

Walton

Wellborn

Woodall

—26

Nays:—None.

The Standing Committee on Revisions of Laws also reported the following amendment to the bill, to-wit:

Amend Section 1 of S. B. 125 by striking therefrom all of line 23 on page 2 of the bill except the word "town," and by striking therefrom lines 24 to 26 both inclusive, on page 2, and by striking therefrom the word "association" in line 1 of page 3.

And on motion of Mr. Simpson, said amendment was laid on the table.

Yeas, 17; Nays, 13.

Yeas:

Messrs.:

Bonner	McConnell	Russell	Tucker
Browder	McDowell	Simpson	Walden
Dorsey	Riddle	Stephens	Weaver
Frazer	Rogers	Swift	Wellborn
Locke			

—17

Nays:

Messrs.:

Carlton	Mixon	Starnes	Thomas
Chesnut	Parrish	Stoddard	Walton
Kelly	St. John	Taylor	Woodall
Kuykendall			

—13

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 20; Nays, 7.

Yeas:

Messrs.:

Browder	Locke	Russell	Tucker
Chesnut	Mooneyham	Simpson	Walden
Dorsey	McConnell	Stephens	Walton
Goldsmith	Riddle	Stoddard	Weaver
Kelly	Rogers	Swift	Wellborn

—20

Nays:

Messrs.:

Carlton	Parrish	Taylor	Woodall
Mixon	St. John	Thomas	

—7

The bill:

S. 147. To require the making of public annual reports by the various departments, bureaus, boards, commissions and institutions of the State.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 25; Nays, 3.

Yeas:

Messrs.:

Browder	Chesnut	Frazer	Mixon
Carlton	Dorsey	Locke	Mooneyham

McConnell	Simpson	Swift	Walton
McDowell	Starnes	Taylor	Weaver
Riddle	Stephens	Thomas	Wellborn
Russell	Stoddard	Walden	Woodall
St. John			

—25

Nays: Messrs.: Goldsmith, Kelly and Parrish.

—3

The bill:

S. 141. To appropriate from the General Fund of the State the sum of \$6500.00, or so much thereof as may be needed, to pay removal bills of prisoners because of insufficient appropriation for this purpose.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Russell	Thomas
Browder	Mixon	St. John	Tucker
Carlton	Mooneyham	Simpson	Walden
Chesnut	McConnell	Starnes	Walton
Frazer	McDowell	Stephens	Weaver
Goldsmith	Parrish	Stoddard	Wellborn
Kelly	Riddle	Taylor	Woodall

—28

Nays:—None.

The bill:

S. 146. To amend Sections 8540, 8542, 8543, 8544, 8545, 8546, 8550, 8552 and 8553, and to repeal Sections 8547, 8548, 8549 and 8551 of the Code of Alabama.

Was read a third time at length and lost.

Yeas, 10; Nays, 19.

Yeas:

Messrs.:

Browder	Mooneyham	Starnes	Stoddard
Chesnut	Riddle	Stephens	Woodall
Kelly	Simpson		

—10

Nays:

Messrs.:

Bonner	Locke	St. John	Walden
Dorsey	Mixon	Swift	Walton
Frazer	McDowell	Taylor	Weaver
Goldsmith	Parrish	Thomas	Wellborn
Kuykendall	Russell	Tucker	

—19

The bill:

S. 112. To amend Section 8998 of the Code of Alabama of 1923.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 8.

Yeas:

Messrs.:

Bonner	Mixon	Rogers	Thomas
Browder	Mooneyham	Russell	Tucker
Chesnut	McConnell	St. John	Walden
Goldsmith	McDowell	Stephens	Walton
Kuykendall	Parrish	Swift	Weaver
Locke	Riddle	Taylor	

—23

Nays:

Messrs.:

Dorsey	Kelly	Starnes	Wellborn
Frazer	Simpson	Stoddard	Woodall

—8

The bill:

S. 150. To relieve all persons in all Counties of the State of Alabama with a population of not less than 17,800 nor more than 19,300 according to the last or any subsequent Federal Census of any legal obligations to work on the public roads or streets of their respective Counties, or of paying any money in lieu of such legal obligation for work on the public roads or streets of their respective Counties.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Russell	Swift
Browder	Mixon	St. John	Taylor
Carlton	Mooneyham	Simpson	Tucker
Dorsey	McConnell	Starnes	Walden
Frazer	McDowell	Stephens	Walton
Goldsmith	Riddle	Stoddard	Wellborn
Kelly	Rogers		

—26

Nays:—None.

The bill:

S. 145. To amend Section 4548 of the 1923 Code of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner	Chesnut	Frazer	Kelly
Browder	Dorsey	Goldsmith	Kuykendall

Locke	Rogers	Stoddard	Walden
Mixon	Russell	Swift	Walton
Mooneyham	St. John	Taylor	Weaver
McConnell	Simpson	Thomas	Wellborn
Parrish	Stephens	Tucker	Woodall
Riddle			

—29

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the following House bill:

By Messrs. Propst and Johnston:

H. 325. To create and establish the Calhoun County Court; to define its jurisdiction and powers; to vest it with the powers and jurisdiction heretofore exercised by the Court of Common Pleas of Calhoun County; to provide for the transfer of the cases from the dockets of the Court of Common Pleas to the Calhoun County Court; to abolish the Court of Common Pleas; to abolish the office of justice of the peace in Precincts 15 and 20; to provide for the officers of said court, their powers, duties, tenure and compensation; to prescribe rules of procedure for said court; and to provide for the execution of the process of said court and the operation thereof.

And requests Committee of Conference. The Speaker of the House has appointed as conferees on the part of the House Messrs. Propst, Johnston and Lusk.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Wellborn, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 325, the title of which is set out in the foregoing Message from the House.

And the Presiding Officer of the Senate appointed as Conferees on part of the Senate Messrs. Woodall, Wellborn and Chesnut.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the following bill:

By Mr. Wellborn:

S. 59. To declare all banks incorporated under the laws of Alabama, to be instrumentalities of the State of Alabama, and to require such banks to perform certain specified service for the State and its subdivision in addition to all other duties now required of them.

By a vote of a majority of the whole number elected to the House, said vote being: Yeas, 71; Nays, 0.

And said bill, S. 59, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House; said vote being: Yeas, 71; Nays, 0.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, with his objections and proposed amendment to the bill:

By Mr. Wallace (Clarke):

H. 339. To Amend Sections 6, 7, 9, 11, and 14 of an Act of the Legislature of Alabama approved September 7, 1935, entitled "An Act to further provide for freeing Alabama Highways of all toll bridges, through a corporation to be composed of the President of the State Board of Administration, the State Comptroller, and the Chairman of the State Highway Commission, whose incorporation is authorized, and to prescribe the power and authority of such corporation and provide it with funds necessary to enable it to accomplish the purpose of its creation."

Said Governor's Message containing the proposed amendment being in words and figures as follows, to-wit:

To the House of Representatives,
Montgomery, Alabama.
Gentlemen:

I am returning herewith to you, the Body in which it originated, House Bill 339 without my approval.

I suggest the following Executive Amendment which, if concurred in, will remove my objection to the bill.

Amend Section 4 of said bill as follows: Strike out the word "Section 1" where it first occurs in said Section 4 and substitute therefor the words "Section 11", so as to make said section comply with the title of the act.

Respectfully,
BIBB GRAVES,
Governor.

February 23, 1937.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to said bill H. 339, by a vote of a majority of the whole number elected to the House said vote being: Yeas, 72; Nays, 0.

And said bill, H. 339, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House; said vote being: Yeas, 72; Nays, 0.

And said bill, together with the Governor's Message, containing the proposed amendment, is herewith sent to the Senate for its consideration.

E. F. Taylor,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Rogers, the Senate concurred in the amendment proposed by His Excellency, the Governor, to the bill, H. 339, the title of which and said proposed amendment is set out in the foregoing Message from the House.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Mixon	St. John	Thomas
Browder	Mooneyham	Simpson	Walden
Chesnut	McConnell	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Kelly	Parrish	Stoddard	Wellborn
Kuykendall	Riddle	Swift	Woodall
Locke	Rogers	Taylor	

—27

Nays:—None.

Which was a majority of the whole number elected to the Senate.

And said bill, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner	Mixon	St. John	Thomas
Browder	Mooneyham	Simpson	Tucker
Chesnut	McConnell	Starnes	Walden
Dorsey	McDowell	Stephens	Walton
Frazer	Riddle	Stoddard	Weaver
Kelly	Rogers	Swift	Wellborn
Kuykendall	Russell	Taylor	Woodall
Locke			

—29

Nays:—None.

Which was a majority of the whole number elected to the Senate.

CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. Russell, further consideration of the bill:

S. 148. To authorize and empower Boards of Revenue in Counties having a population of not less than 54,000 and not more than 64,000 inhabitants according to the Federal Census of 1930, and which may hereafter have such population according to any Federal Census hereafter taken, to expend County funds not exceeding Two Thousand (\$2,000.00) Dollars per annum for county purposes not otherwise provided for by law.

Was indefinitely postponed by the Senate.

CONSIDERATION OF S. 130

In accordance with the motion previously made by Mr. Mooneyham to reconsider the vote by which the bill, S. 130 was lost, and which motion was adopted by the Senate on this Legislative day, the Senate proceeded to further consideration of the bill:

S. 130. To propose an amendment to Section 48 of Article IV of the Constitution of Alabama and, to provide for the submission of the proposed amendment to the qualified electors of the State on the first Tuesday following the expiration of three (3) months after the final adjournment of this session of the Legislature.

Mr. Mooneyham then moved that the Senate re-consider the vote by which said bill was ordered to an engrossment and third reading, which motion prevailed.

Mr. Mooneyham then offered the following amendment to the bill, to-wit:

Strike therefrom, both caption and each Section thereof, the words "first Tuesday following the expiration of three (3) months after the final adjournment of this session of the Legislature" and insert in lieu thereof the following:

"Second Tuesday in May of the year 1938."

Which was adopted.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner

Browder

Chesnut

Dorsey

Frazer

Kelly

Kuykendall

Locke

Mixon

Mooneyham

McConnell

McDowell

Riddle	Starnes	Taylor	Walton
Rogers	Stephens	Thomas	Weaver
Russell	Stoddard	Tucker	Wellborn
St. John	Swift	Walden	Woodall
Simpson			

—29

Nays:—None.

And said bill, as thus amended, was again read a third time at length as required by the Constitution and lost.

Yeas, 19; Nays, 13.

Yeas:

Messrs.:			
Browder	Mixon	Simpson	Walden
Chesnut	Mooneyham	Stephens	Walton
Dorsey	Parrish	Stoddard	Weaver
Kelly	Riddle	Swift	Woodall
Kuykendall	St. John	Thomas	

—19

Nays:

Messrs.:			
Bonner	Locke	Rogers	Taylor
Carlton	McConnell	Russell	Tucker
Frazer	McDowell	Starnes	Wellborn
Goldsmith			

—13

RECESS

At 1:20 P. M., on motion of Mr. Mooneyham, the Senate took a recess until 3:15 this afternoon.

AFTERNOON SESSION—TWENTY-EIGHTH DAY

Tuesday, February 23rd, 1937.

The Senate re-assembled at 3:15 P. M., President Pro Tem Riddle presiding.

ROLL CALL

Present:

Messrs.:			
Bonner	Kelly	Riddle	Taylor
Browder	Kuykendall	Rogers	Thomas
Carlton	Locke	Russell	Tucker
Chesnut	Mixon	St. John	Walden
Cook	Mooneyham	Simpson	Walton
Dorsey	McConnell	Starnes	Weaver
Frazer	McDowell	Stephens	Wellborn
Goldsmith	Parrish	Swift	Woodall

—32

LEAVE OF ABSENCE

On motion of Mr. Simpson leave of absence was granted Mr. Richardson for today.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bill with the engrossed and original bill, respectively, and finds same correctly enrolled, to-wit:

S. 59. To declare all banks incorporated under the laws of Alabama to be instrumentalities of the State of Alabama, and to require such banks to perform certain specified service for the State and its subdivision in addition to all other duties now required of them.

Earl Thomas,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 107. To establish juvenile courts in all counties in the State of Alabama now having a population of not less than 36,880 nor more than 36,890 according to the federal census of 1930, defining their powers and jurisdictions and providing for the process and procedure of said courts; for the appointment of the judge of such courts; their terms of office and salary; and defining their duties; and providing for the payment of the expenses of such courts by the Boards of County Commissioners or by whatever name they shall be known in said Counties; and providing for the detention of juvenile delinquents and dependents and neglected children; and providing for the protection of said children against disquali-

fication or prejudice on account of judgment or order of said court or any confession, statement, declaration or admission or silence or demeanor of said juveniles.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, with his objections and proposed amendment to the Bill:

By Mr. Merrill:

H. 342. To authorize and direct the members of the Court of County Commissioners of Cleburne County to supervise and inspect the construction and maintenance of roads and bridges and to provide that compensation of all supervision of road and bridge work be paid out of the Gasoline Excise Tax Fund of Cleburne County and to provide when this Act shall become effective.

Said Governor's Message containing the proposed amendment being in words and figures as follows, to-wit:

To the House of Representatives,
Montgomery, Alabama.
Gentlemen:

I am returning herewith to you, the body in which it originated, House Bill No. 342 without my approval.

I suggest the following Executive Amendment, which if adopted will remove my objection to the bill:

Strike therefrom Section 2 and substitute therefor the following:

Section 2. That salaries for all supervision of road and bridge work, both by the members of the Commissioners Court and the County Road Supervisors, shall be paid from that portion of the gasoline excise tax fund accruing to Cleburne County as levied by Schedule 156.9, Article 13, Chapter 4 of House Bill No. 324, approved July 10, 1935.

Respectfully,
Bibb Graves,
Governor.

February 23, 1937.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to said bill H. 342, by a vote of a majority of the whole number elected to the House, said vote being: Yeas, 66; Nays, 0.

And said bill, H. 342, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas, 66; Nays 0.

And said bill, together with the Governor's Message, containing the proposed amendment, is herewith sent to the Senate for its consideration.

E. F. Taylor,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Cook, the Senate concurred in the amendment proposed by His Excellency, the Governor, to the bill, H. 342, the title of which and said proposed amendment is set out in the foregoing Message from the House.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers	Taylor
Carlton	Mixon	Russell	Tucker
Cook	Mooneyham	Simpson	Walden
Dorsey	McConnell	Starnes	Walton
Frazer	McDowell	Stephens	Weaver
Goldsmith	Parrish	Swift	Wellborn
Kelly	Riddle		

—26

Nays:—None.

Which was a majority of the whole number elected to the Senate.

And said bill, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers	Taylor
Carlton	Mixon	Russell	Tucker
Cook	Mooneyham	Simpson	Walden
Dorsey	McConnell	Starnes	Walton
Frazer	McDowell	Stephens	Weaver
Goldsmith	Parrish	Swift	Wellborn
Kelly	Riddle		

—26

Nays:—None.

Which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate joint resolution:

By Rules Committee:

S. J. R. 49. Relative to the two Houses adjourning today to meet again Wednesday, February 24, 1937, at 10 o'clock, A. M.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Sanderson:

H. 368. To appropriate the sum of One Thousand Dollars to the United Daughters of the Confederacy of Alabama to aid in the erection on the Capitol grounds of a monument to Jefferson Davis, first and only president of the Confederate States of America.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing Message from the House was read one time at length and referred to appropriate standing committee as follows:

H. 368—To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Hare:

H. 381. To authorize and empower Boards of Revenue in Counties having a population of not less than 47,000 and not more than 57,000 inhabitants according to the Federal Census of 1930, and which may hereafter have such population according to any Federal Census hereafter taken, to expend County funds not exceeding Twelve Hundred (\$1,200.00) Dollars per annum for county purposes not otherwise provided for by law.

Also:

By Mr. Hendley:

H. 215. To amend Sections 8540, 8542, 8543, 8544, 8545, 8546, 8550, 8552 and 8553, and to repeal Sections 8547, 8548, 8549 and 8551 of the Code of Alabama.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing Message from the House were severally read one time at length and referred to appropriate standing committees as follows:

H. 381—To the Committee on Local Legislation.

H. 215—To the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bills:

By Messrs. Hollis and Hodges:

H. 387. To relieve all persons in all Counties of the State of Alabama with a population of not less than 17,800 nor more than 19,300 according to the last or any subsequent Federal Census of any legal obligations to work on the public roads or streets of their respective Counties, or of paying any money in lieu of such legal obligation for work on the public roads or streets of their respective Counties.

Also:

By Messrs. Hollis and Hodges:

H. 388. To regulate the use, distribution and expenditure of the proceeds of the gasoline tax fund received from the State of Alabama in all Counties in the State of Alabama with a population of not less than 17,800 nor more than 19,300 according to the last or any subsequent Federal Census: to make the violations of the provisions of this Act a misdemeanor punishable by a fine in the amount specified herein; to provide the date on which this Act shall become effective and to repeal all laws in conflict herewith.

Also:

By Mr. Henson:

H. 380. To permanently establish the high schools in Washington County, Alabama, as are now located at Leroy, Fruitdale, Millry, and Chatom; to provide for the discontinuance, or consolidation of any one or all of said schools only by a county referendum.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that a bill, the substance of which is set out below, will be introduced at the present extraordinary session of the Legislature which convened on November 23rd, 1936.

To permanently establish the high schools in Washington County, Alabama, as are now located at Leroy, Fruitdale, Millry, and Chatom; to provide for the discontinuance, or consolidation of any one or all of said high schools only by a county referendum.

STATE OF ALABAMA, WASHINGTON COUNTY.

I, Matt L. Blount, Editor of the Washington County News, a newspaper published at Chatom, Washington County, Alabama, do hereby certify that a copy of the Notice as per clipping hereto attached, was published weekly in the regular and entire issue of said newspaper, and not any supplement thereof, for 4 consecutive weeks, commencing with the issue dated Jan. 21, 1937, and ending with the issue dated Feb. 11, 1937. I further certify that I have the right and authority to make this affidavit.

Matt L. Blount.

Sworn to and subscribed before me on this, the 12 day of Feb., 1937.

Janice W. Blount,
Notary Public.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing Message from the House were severally read one time at length and referred to appropriate standing committees as follows:

H. 387 and H. 380—To the Committee on Local Legislation.

H. 388—To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Adams:

H. 75. To amend Schedule 7 of Section 348 of Article XIII, Chapter 1, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing Message from the House was read one time at length and referred to appropriate standing committee as follows:

H. 75—To the Committee on Finance and Taxation.

RESOLUTION

Mr. McDowell offered the following resolution:

S. R. 50. WHEREAS, in recognition of the outstanding patriotic service rendered to his native State, the State of Alabama has requested that a portrait of the Senator from Calhoun, the Hon. Maxmilian Bethune Wellborn, be placed in the halls of the Capitol of Alabama, and

WHEREAS, the portrait of Senator Wellborn has been donated to the State by the members of his family, and will be unveiled in the Senate Chamber by his two grandsons, Walter Horry Wellborn, who is also a grandson of the lamented Henry Grady, and Maxmilian Wellborn Mathews, on Friday.

THEREFORE, BE IT RESOLVED BY THE SENATE, that Friday, February 26th at twelve o'clock noon, be set apart as the day and time, when the said portrait be unveiled.

And on motion of Mr. McDowell, the Rules were suspended and the resolution adopted.

REPORTS OF COMMITTEES

Mr. Russell, Chairman of the Standing Committee on Finance & Taxation, reported that said committee, in session, had acted

on the following bills and ordered same returned to the Senate with a favorable report and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Miller:

H. 214. To amend Schedule 96 of Section 348, Chapter 1, Article 13 of an act "To provide for the General Revenue of the State of Alabama" known as House Bill 324, approved July 10, 1935, as amended by House Bill 887 on page 901 of the printed Acts of the Legislature of 1935, and approved September 13, 1935.

By Mr. Ellis:

H. 238. To authorize the State Tax Commission to negotiate reciprocal agreements with the States bordering Alabama by which adjustments can be made covering collection of gasoline tax sold across State lines into Alabama or from Alabama into adjoining States; to provide for exchange of information concerning such transactions; to provide for adoption by the State Tax Commission of rules and regulations governing the adjustment of claims arising out of what is known as "border line sales and withdrawals"; to provide for paying the expense of administering this Act; to repeal all laws in conflict herewith, and to fix the effective date thereof.

By Mr. Chichester (by request):

H. 283. To amend subdivision (m) of Section 2 of Article 1 of an Act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

By Mr. Tolbert:

H. 177. To amend Schedule 158.9 of Section 348, Chapter 6, of Article XIII, of an act entitled, "An act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

By Mr. McDermott (by request) (with amendment):

H. 180. To amend Schedule 146 of Section 348 of Article XIII, Chapter 1, of an act entitled "An act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

By Mr. Braswell (with substitute):

H. 159. To amend Schedule 133 of Section 348 of Article 13, Chapter 1, of an Act entitled "An Act to provide for the General Revenue of the State of Alabama" approved July 10, 1935.

Mr. Frazer, Chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Merrill:

H. 71. To provide for Clerks of the County Courts to act as Clerks in committing proceedings in criminal cases, to provide for their compensation and to ratify payments of costs in such proceedings.

By Mr. Poole (Butler):

H. 109. To further regulate and provide for pensions to be paid to the Widows of Confederate Soldiers and Sailors.

By Mr. Dominick (with amendment):

H. 266. To amend Section 2 of Act No. 546 of the Legislature of 1935, entitled "An Act to create a Board to be known as 'State Board of Adjustment'; to name its personnel, to define its duties and powers and to authorize said Board to certify its findings to the Comptroller for the payment of its awards, decrees and findings out of the fund herein provided for; to provide the basis of awards and decrees and to make appropriation therefor," approved September 14, 1935.

Mr. Woodall, Chairman of the Standing Committee on Privileges & Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Miller:

H. 334. To authorize the Courts of County Commissioners, Boards of Revenue or other like governing bodies of counties which failed to order the Board of Registrars to meet at the County site of the various counties for the purpose of registering those entitled to register in January, 1937, be authorized to call such registrars to meet at the county sites of such counties for a period not exceeding ten days in February, 1937, for the purpose of registering those who are entitled to register.

BILLS ON THIRD READING

The bill:

H. 343. To authorize and empower Boards of Education in all Counties in the State of Alabama with a population of not less than 45,300, nor more than 46,100, according to the last or any subsequent Federal Census, where the maximum salary of the Superintendent of Education is prescribed by law, to fix, approve, and authorize the payment of the traveling expenses incurred by such Superintendent in the performance of his official duties within the County and the expenses incurred by him when his official duties require him to go outside of the County; to require such

Superintendents of Education to prepare and file on forms to be prescribed by the State Board of Education a certified itemized statement of the expenses incurred; and to provide that the payment of the expenses hereby authorized shall not constitute a part of the official salary of such Superintendents.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers	Taylor
Carlton	Mixon	Russell	Tucker
Chesnut	Mooneyham	Simpson	Walden
Cook	McConnell	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Frazer	Parrish	Swift	Wellborn
Goldsmith	Riddle		

—26

Nays:—None.

The bill:

H. 349. To authorize the Commissioner Court of Greene County, Alabama to transfer Fifteen Thousand dollars from the Gasoline Fund to the General Fund of said County.

Was read a third time at length and passed.

Yeas, 21; Nays, 8.

Yeas:

Messrs.:

Bonner	Kuykendall	Parrish	Thomas
Browder	Mixon	Russell	Tucker
Carlton	Mooneyham	Starnes	Walton
Chesnut	McConnell	Stephens	Weaver
Cook	McDowell	Taylor	Woodall
Kelly			

—21

Nays:

Messrs.:

Dorsey	Locke	Simpson	Walden
Frazer	Rogers	Swift	Wellborn

—8

The bill:

H. 317. To authorize the payment of the per diem and mileage of the members of the Court of County Commissioners of Fayette County, Alabama out of the excise gas tax fund of the county when engaged in inspecting, accepting, building, repairing or maintaining public roads or bridges in said county; and to repeal all laws and parts of laws, general, special, private and local in conflict with the provisions of this Act.

Was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the bill, to-wit:

Amend Section 1 of House Bill No. 317 so that the same shall read as follows:

Section 1. The Court of County Commissioners of Fayette County, Alabama, is hereby authorized and empowered to pay the per diem and mileage of the members of the said Court of County Commissioners of Fayette County, Alabama, at the rate and in the sum provided for in Section 6771 of the Code of Alabama, 1923, as amended by an Act approved July 31, 1931, out of that portion of the excise tax fund levied by Schedule 156.9, Article 13, Chapter 4, of House Bill No. 324, approved July 10, 1935, accruing to Fayette County, while engaged in inspecting, accepting, building, repairing or maintaining any of the public bridges or highways of said County.

Mr. Walden moved that said bill be re-referred to the Committee on Finance and Taxation.

On motion of Mr. Walton, said motion was laid on the table. Yeas, 28; Nays, 8.

Yeas:

Messrs.:

Bonner
Browder
Chesnut
Cook
Kelly
Kuykendall

Mixon
Mooneyham
McConnell
McDowell
Parrish

Riddle
Russell
St. John
Stephens
Taylor

Thomas
Tucker
Walton
Weaver
Woodall

—21

Nays:

Messrs.:

Dorsey
Frazer

Locke
Rogers

Simpson
Swift

Walden
Wellborn

—8

Mr. Walden then moved that said bill, H. 317 and pending amendment be postponed until the next Legislative day.

And on motion of Mr. Walton, said motion to postpone was laid on the table.

Yeas, 18; Nays, 9.

Yeas:

Messrs.:

Browder
Chesnut
Cook
Kelly
Kuykendall

Mixon
Mooneyham
McConnell
Parrish
Riddle

Russell
St. John
Stephens
Taylor

Thomas
Walton
Weaver
Woodall

—18

Nays:

Messrs.:

Dorsey
Frazer
Locke

Rogers
Simpson

Swift
Tucker

Walden
Wellborn

—9

The amendment offered by the committee was then adopted.
Yeas, 20; Nays, 8.

Yeas:

Messrs.:

Bonner	Kuykendall	Riddle	Thomas
Browder	Mixon	Russell	Tucker
Chesnut	Mooneyham	St. John	Walton
Cook	McConnell	Stephens	Weaver
Kelly	Parrish	Taylor	Woodall

—20

Nays:

Messrs.:

Dorsey	Locke	Simpson	Walden
Frazer	Rogers	Swift	Wellborn

—8

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 20; Nays, 8.

Yeas:

Messrs.:

Bonner	Kuykendall	Riddle	Thomas
Browder	Mixon	Russell	Tucker
Chesnut	Mooneyham	St. John	Walton
Cook	McConnell	Stephens	Weaver
Kelly	Parrish	Taylor	Woodall

—20

Nays:

Messrs.:

Dorsey	Locke	Simpson	Walden
Frazer	Rogers	Swift	Wellborn

—8

The bill:

H. 358 To provide that any County in the State of Alabama having a population of 41,000 or more, according to the last or any subsequent Federal census, in which there exists a Board of Finance and Control shall have the right or authority to employ stenographers, clerks or other assistants and shall expend not More than One Thousand (\$1000.00) Dollars in any one fiscal year in payment for the services of such stenographers, clerks or assistants.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Goldsmith	McConnell	Russell
Carlton	Kelly	McDowell	St. John
Chesnut	Kuykendall	Parrish	Simpson
Dorsey	Locke	Riddle	Stephens
Frazer	Mooneyham	Rogers	Swift

Taylor
Tucker

Walden
Walton

Weaver

Wellborn

—26

Nays:—None.

The bill:

H. 366. To authorize and empower the County School Commission of Clarke County, Alabama, to buy or purchase necessary office equipment, furniture, fixtures, supplies, stationery, postage, telephone, telephone and telegraph services and pay for the same out of school funds of Clarke County, Alabama; and to authorize and empower the County School Commission of Clarke County, Alabama, to pay for out of the school funds of Clarke County, Alabama any office equipment, furniture, fixtures, supplies, stationery, postage, telephone, telephone and telegraph service, contracted for or purchased by the County School Commission of Clarke County, Alabama, subsequent to July 1st, 1936.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner

Browder

Carlton

Chesnut

Dorsey

Frazer

Goldsmith

Kuykendall

Locke

Mixon

Mooneyham

McConnell

McDowell

Parrish

Riddle

Rogers

Russell

Simpson

Starnes

Stephens

Swift

Taylor

Tucker

Walden

Weaver

Wellborn

—26

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Miller:

H. 156. To amend Sub-Section 13 of Section 303 of the Code of Alabama of 1923.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing Message from the House was read one time at length and referred to appropriate standing committee as follows:

H. 156—To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Todd:

H. 52. To amend Schedule 158.3 of Chapter 6, Article 13 of An Act entitled, "An Act to provide for the General Revenue of the State of Alabama", approved July 10, 1935, as amended by An Act, entitled, "An Act to amend Schedule 158.3 of Section 348, Chapter 6 of Article 13 of an Act of the Legislature, approved July 10, 1935," approved September 14, 1935.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing Message from the House was read one time at length and referred to appropriate Standing Committee as follows:

H. 52—To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Goodwyn:

H. 377. To amend Section 2 of an Act of the Legislature of Alabama, approved July 30, 1931, entitled "An Act to prohibit the writing of contingent or so called mortality endowment contracts by life insurance companies, mutual aid associations and fraternal benefit societies, to further regulate the writing of such contracts and to repeal all laws and parts of laws in conflict with this Act."

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing Message from the House was read one time at length and referred to appropriate standing committee as follows:

H. 377—To the Committee on Insurance.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Owen (Etowah):

H. 17. To provide for the erection of a building as Confederate Memorial to Emma Sansom on the ground where her home stood at the time she piloted General N. B. Forrest in pursuit of the army of General Straight, and to make an appropriation therefor.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing Message from the House was read one time at length and referred to appropriate Standing Committee as follows:

H. 17—To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Castleberry:

H. 299. To submit to the qualified voters of the State of Alabama, at an election to be held for any other constitutional amendment passed, approved and submitted by this session of this Legislature, or on failure to have such special election, then on the First Tuesday in May, 1938, for their consideration, an amendment the constitution of the state as follows: "The following counties, namely,—Conecuh County, Escambia County, Monroe County, are and shall be authorized to settle, adjust, and refund, any honest, moral and just obligation or debt of the county now outstanding, whether it is within the debt limit or other limitation of the con-

stitution or laws of Alabama or not; that said just obligations may be settled, adjusted, and refunded, on the best terms possible by the governing body of the county and by the issuance, sale or exchange of interest bearing refunding warrants of the county which refunding warrants may bear interest not exceeding six per centum per annum, payable semi-annually, or annually, as evidenced by coupons annexed; that the payment of said interest bearing refunding warrants may be secured by pledging sufficient revenues, taxes, or income, of the county from whatever source arising under laws now in existence or which may be hereafter enacted; that the issuance of said refunding warrants shall be shown by a record thereof upon the minutes of the county governing body; said refunding warrants and interest coupons when so issued shall be lawful and binding obligations on the county according to their tenor, face and purport; provided, no additional taxes shall be levied and collected for said purpose by said counties, and further provided that no funds coming to said counties for any particular purpose or purposes shall be the subject of pledge hereunder. Warrants hereby authorized may be issued under the provisions of laws now or hereafter in effect authorizing the issuance of refunding warrants by counties in Alabama."

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing Message from the House was read one time at length as required by the Constitution and referred to appropriate standing committee as follows:

H. 299—To the Committee on Constitution and Constitutional Revision and Amendments.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Ellis:

H. 326. To amend Section 9638 of the Code of Alabama of 1923.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing Message from the House was read one time at length and referred to appropriate Standing Committee as follows:

H. 326—To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the report of the Committee of Conference on the disagreement of the two Houses on the Senate amendment to the following House bill:

By Messrs. Propst and Johnston:

H. 325. To create and establish the Calhoun County Court; to define its jurisdiction and powers; to vest it with the powers and jurisdiction heretofore exercised by the Court of Common Pleas of Calhoun County; to provide for the transfer of the cases from the dockets of the Court of Common Pleas to the Calhoun County Court; to abolish the Court of Common Pleas; to abolish the office of justice of the peace in Precincts 15 and 20; to provide for the officers of said court, their powers, duties, tenure and compensation; to prescribe rules of procedure for said court; and to provide for the execution of the process of said court and the operation thereof.

Said Conference Report being in words and figures as follows:

Report of Committee of Conference

The President of the Senate

The Speaker of the House of Representatives

We, your Committee of Conference appointed to consider the differences between the Senate and the House of Representatives on House Bill No. 325 report as follows:

(1) We recommend that the Senate recede from its amendment in Section four of House Bill 325.

(2) We recommend that House Bill No. 325 be amended by adding at the end of Section four the following: "Provided that the fees and costs collected for said county each year in said court which shall be paid into the county treasury shall equal the sum of twenty-four hundred dollars; and, in the event the fees and costs collected for said county do not equal the sum of twenty-four hundred dollars, then so much of said clerk's fees shall be added thereto as to make the sum paid into the county treasury twenty-four hundred dollars."

(3) We recommend that said House Bill No. 325 as thus amended be passed by both Houses.

Respectfully submitted,

M. B. WELLBORN,

W. C. WOODALL,

WEBB CHESNUT,

Committee on part of the Senate.

F. GLENN PROPST,

ALBERT P. JOHNSTON,

JOHN CLARKE, JR.,

Committee on part of the House.

And said bill, H. 325, as amended by the Report of the Committee of Conference was again read a third time at length and passed.

And said bill, H. 325, together with the Report of the Committee of Conference, is herewith sent to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Wellborn, the Senate concurred in and adopted the report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 325, the title of which and said Conference Report is set out in the foregoing Message from the House.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers	Tucker
Browder	Kuykendall	Russell	Walden
Carlton	Mixon	Simpson	Walton
Chesnut	McConnell	Starnes	Weaver
Dorsey	McDowell	Stephens	Wellborn
Frazer	Parrish	Swift	Woodall
Goldsmith	Riddle		

—26

Nays:—None.

And said bill, as thus amended, was again read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers	Tucker
Browder	Kuykendall	Russell	Walden
Carlton	Mixon	Simpson	Walton
Chesnut	McConnell	Starnes	Weaver
Dorsey	McDowell	Stephens	Wellborn
Frazer	Parrish	Swift	Woodall
Goldsmith	Riddle		

—26

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 64. To make an appropriation to provide for carrying out the provisions of an Act approved August 1, 1931, entitled "An Act to provide for educational opportunities for the children of soldiers,

sailors and marines who were killed in action or died during the World War; to provide for an appropriation, to define its uses and administration."

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bill with the engrossed and original bill, respectively, and finds same correctly enrolled, to-wit:

S. 107. To establish juvenile courts in all counties in the State of Alabama now having a population of not less than 36,880 nor more than 36,890 according to the federal census of 1930, defining their powers and jurisdictions and providing for the process and procedure of said courts; for the appointment of the judge of such courts; their terms of office and salary; and defining their duties; and providing for the payment of the expenses of such courts by the Boards of County Commissioners or by whatever name they shall be known in said Counties; and providing for the detention of juvenile delinquents and dependents and neglected children; and providing for the protection of said children against disqualification or prejudice on account of judgment or order of said court or any confession, statement, declaration or admission or silence or demeanor of said juveniles.

Earl Thomas,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Boswell:

H. 33. To Amend Section 4039 of the Code of Alabama 1923.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing Message from the House was read one time at length and referred to appropriate standing committee as follows:

H. 33—To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Bateman:

H. 158. To amend Section 6766 of the Code of Alabama of 1923.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing Message from the House was read one time at length and referred to appropriate standing committee as follows:

H. 158—To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Taylor:

H. 231. To provide that in all counties in this state which now have or which may hereafter have a population of 100,000 people and less than 200,000 people according to the last Federal census or any such census which may hereafter be taken, all attorneys at law, who are appointed by the various Circuit Judges to defend

persons in capital cases be exempted from the payment of any license imposed by the state, county, and municipality for the privilege of engaging in the practice of law upon his or her procuring from the Clerk of the Court in which the cause is docketed a sworn certificate to that effect; and to impose upon the clerks of the Circuit Courts and licensed inspectors, if any, or upon the Probate Judges, as the case may be, of the various counties their certain duties with respects thereto.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing Message from the House was read one time at length and referred to appropriate standing committee as follows:

H. 231—To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bill:

S. 136. To provide for an increase in the salaries of firemen and policemen in incorporated cities of the State of Alabama now or hereafter subject to or governed by a commission created or elected under and by authority of the General Act of Alabama of 1911 page 330 by setting aside or appropriating for such purpose one-third of the monies, or so much thereof as may be required, derived by each such city under the terms of the Alcoholic Beverage Control Act of this state, and to fix the method by which the salaries of policemen and firemen may be increased.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Rogers, the Senate non-concurred in the following amendment by the House to the bill. S. 136, the title of which is set out in the foregoing Message from the House, to-wit:

A BILL

To be entitled An Act to provide for an increase in the salaries of firemen, policemen and street department employees in incorporated cities of the State of Alabama now or hereafter subject to or governed by a commission created or elected under and by authority of the General Act of Alabama of 1911 page 330 by setting aside or appropriating for such purpose all of the monies derived by each such city under the terms of the Alcoholic Beverage Control Act of this state and under any privilege license levied by each such city under the terms of said Act, and to fix the method by which the salaries of said firemen, policemen and street department employees may be increased.

Be it enacted by the Legislature of Alabama:

Section 1. That after the passage and approval of this Act every incorporated city of this state governed by a commission created or elected under and by authority of the General Acts of Alabama of 1911 page 330 shall set aside or appropriate all of the monies that may be derived by each such city as a result of the operation in each such city of the Alcoholic Beverage Control Act of this state, as well as all monies derived by each such city under any privilege licenses levied by each such city under the terms of said Act, for the express purpose of increasing the salaries of firemen, policemen and street department employees in each such city.

Section 2. When such amounts are set aside or appropriated for this purpose, the treasurer or comptroller of each such city shall take whatever amount was paid into such fund during the preceding month and divide the said amount by the number of firemen, policemen and street department employees, including the officers of each of these respective departments, employed by each such city on the first day of the month immediately succeeding that in which the amount was paid into the said fund, and the result thus obtained shall represent the amount by which the salary of each and every firemen, policemen and street department employee, including the officers of said respective departments, shall be increased for the month in which the fund was set aside or appropriated, and such amount shall be paid each and every firemen, policemen and street department employee, including all the officers in said departments, in each such city, in addition to the salary customarily paid each such employee and officer.

Section 3. It shall be unlawful for any officer or officers of any such city to reduce the salary or compensation of the persons affected by this act below that paid them for the month of January, 1937, for the purpose of directly or indirectly reaching and using any of the funds appropriated by this act for any purpose other than that prescribed herein.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor.

And requests Committee on Conference, and the Presiding Officer appointed as Conferees on Part of the Senate Messrs. Rogers, Tucker and Simpson.

BILLS INDEFINITELY POSTPONED

On motion of Mr. Kelley, further consideration of the bills:

S. 119. To amend Section 5024 of the Code of 1923.

S. 57. To amend Section 6771 of the Code of Alabama of 1923, as amended by act approved July 31, 1931, (Acts 1931, page 805).

Were indefinitely postponed by the Senate.

BILLS ON THIRD READING RESUMED

The bill:

H. 183. To further conserve, protect and develop oysters on the bottoms within the boundaries of the State of Alabama, to prohibit dredging except under regulation of the Alabama Oyster Commission, to regulate the size of containers used in measuring a barrel of oysters, to fix a uniform tax on oysters, to provide for license for dredging oysters and method for collecting tax on oysters harvested and disposition of same, to authorize the Alabama Oyster Commission to open and close reefs and planted oyster bottoms when in their opinion necessity requires it; to require and provide for licenses for persons, firms, corporations or associations to engage in the business of packing, canning, processing or dealing in oysters or transporting oysters; to require and provide licenses for brokers, dealers, commission men, hucksters or other persons, firms, corporations or associations who wholesale or retail oysters; to authorize the Alabama Oyster Commission to regulate the time, manner and means for shipping or transporting oysters and shrimp beyond the boundaries of the State of Alabama; to regulate the time, manner and means for planting oysters or oyster shells; to further provide for the duties of oyster inspectors and other employees of the Alabama Oyster Commission; by regulation to protect oyster bottom lessees in their rights as such lessees; to make it unlawful to resist arrest for violation of the provisions of this Act or any regulation based thereunder or to refuse any inspection of premises where oysters or other seafoods are kept or stored or to conspire or agree with any person, firm, corporation or association to evade any of the provisions of this Act

or regulations based thereunder or any laws heretofore or hereafter enacted or the regulations based thereunder; to make it unlawful to remove or destroy any bouy, stake or other marker authorized to be set or placed by the Alabama Oyster Commission; to make it unlawful to take, catch or attempt to take or catch oysters or shrimp by the use of any unlicensed boat; to make it unlawful for any person, firm, corporation or association to buy or sell oysters or shrimp taken by means of an unlicensed boat or unlicensed tonger or unlicensed dredge; to provide for minimum size of oyster or shrimp which may be taken, bought or sold for commercial purposes; to provide license for trucks or other motor-driven vehicles used in transporting oysters for commercial purposes; to provide for keeping records of all oysters or shrimp transported to market and provide for inspection of such record; to provide that before shrimp which have been taken or caught in waters of this State or from the waters within the territorial jurisdiction of the State may be carried or transported out of the State, same shall be brought to a port of entry designated by the Alabama Oyster Commission and then and there the tax provided by law shall be paid; to provide for a tax on shrimp which are carried out of the State; and to provide how same may be taken or transported beyond the boundaries of the State; to provide that a violation of any of the provisions of this Act or regulations based thereunder shall be a misdemeanor; and to provide for penalties for violation of same; and to provide for the repeal of all laws in conflict with the provisions of this Act; to determine what shall constitute seafoods; to vest title to all seafoods in the public waters of the State in the State of Alabama until title thereto has been legally divested; to give authority to the Oyster Commission to promulgate regulations relating to any and all seafoods which shall have the force and effect of law; to empower the Chief Enforcement Officer and the oyster inspectors to enforce all laws and regulations relating to the seafood industry; to require the captain of licensed boats to assist in making arrests for violation of laws and regulations relating to the seafood industry; to authorize the Oyster Commission to provide the necessary patrol boats and appoint deputy inspectors for such boats; to make it unlawful to catch, take or have oysters in possession at certain times of the year; to authorize the Commission to close the oyster season earlier than the first of May and open same later than the first of September when deemed necessary for the conservation and protection of oysters; to provide for proper culling of oysters; to provide for lessees of oyster bottoms to take uncultured oysters for planting purposes; to provide for the cultivation and development of oyster beds during the closed season; to pro-

vide restrictions for taking oysters from newly planted beds; to prohibit the taking or catching of oysters by any means between sunset and sunrise; to provide for licensing of all boats before beginning operation in the taking of oysters, shrimp or other seafoods; to authorize the Commission to have printed signs, words and/or numbers and require same to be posted on licensed boats; to provide privilege taxes and require same to be paid by factories or other establishments before they pack, can or process oysters or shrimp and on raw oyster shippers; to authorize the Commission to make agreements with other States relating to the catching and/or transporting of oysters from or into the State of Alabama for planting for commercial purposes.

Was taken up.

Mr. Swift offered the following amendment to the bill, to-wit:

Amend Section 14 by changing the word "may" to "must" in line 17 on page 8.

Amend Section 9 by changing the words "three inches from hinge to mouth" to "three inches in length".

Amend Section 24, line 22, by eliminating the words "upon approval of such application".

Amend Section 29 so as to read as follows: "Section 29. The Alabama Oyster Commission shall have the authority to regulate the time, manner and means for transporting oysters or shrimp except headless or canned shrimp and canned oysters, beyond the boundaries of the State of Alabama; and to require all persons, firms, corporations or associations to come to a designated port of entry and then and there pay all taxes on such oysters or shrimp as have been caught within the waters of the State of Alabama, and then and there to pay all taxes on such oysters or shrimp before the same are moved or transported or attempted to be moved beyond the boundaries of the State."

Amend Section 38 to read as follows: "Section 38 It shall be unlawful for any person, firm, corporation or association to sell or offer for sale, or to buy or offer to buy, any oysters whose length is less than three inches, taking into consideration the five per cent allowance heretofore provided for."

Amend Section 40 so as to read as follows: "Section 40. Before any shrimp which have been taken or caught in the waters of this state, or the waters within the territorial jurisdiction of this state, shall be carried beyond the boundaries of the State of Alabama, they shall be brought to a port of entry designated by the Alabama Oyster Commission and then and there a tax of twenty cents per barrel must be paid. This Section is intended to apply to shrimp which are caught for the purpose of being transported

to other states and shall not apply to canned or headless shrimp which have been caught and on which the tax due has been paid."

Amend Section 41 so as to read as follows: "Section 41. All shrimp taken or caught in the waters of Alabama or waters within the territorial jurisdiction of the State of Alabama which are not to be carried or transported beyond the boundary of the State, shall be brought to a port of entry designated by the Alabama Oyster Commission and then and there a tax of twelve cents a barrel shall be paid to the said Commission."

Amend Section 42 by changing the word "fifteen" in line 3 thereof, to "ten".

Amend House bill No. 183 by adding Section 42½.

Section 42½. A violation of any law which has heretofore been passed in regard to the conservation, protection, and development of shrimp shall be a misdemeanor, and upon conviction, the person, firm, corporation or association so violating shall be fined not less than \$10.00 nor more than \$100.00 for each offense.

Which was adopted.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers	Tucker
Browder	Kuykendall	Russell	Walden
Carlton	Locke	St. John	Walton
Chesnut	Mixon	Simpson	Weaver
Cook	McConnell	Stephens	Wellborn
Dorsey	McDowell	Swift	Woodall
Frazer	Parrish	Taylor	

—27

Nays:—None.

Mr. Swift also offered the following amendment to the bill, to-wit:

Amend H. 183 by adding:

Section 26½. Before any person, firm, corporation or association or his or its agent shall be permitted to transport by means of any motor driven vehicle any raw oysters or raw shrimp for commercial purposes beyond the boundaries of the State of Alabama or sell or offer for sale seed oysters or shrimp within this State, and who has not been a bona fide resident of the State of Alabama for twelve months then passed shall be required to make application to the Alabama Oyster Commission, accompanied by a fee of \$50.00 and upon approval by said Commission shall be issued a license to such person, firm, corporation or association to engage in such business. Such license shall be dated and shall be effective only for the season issued.

Which was adopted.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Russell	Tucker
Browder	Locke	St. John	Walden
Carlton	Mixon	Simpson	Walton
Chesnut	McConnell	Stephens	Weaver
Cook	McDowell	Swift	Wellborn
Dorsey	Rogers	Taylor	Woodall
Kelly			

—25

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers	Tucker
Browder	Kuykendall	Russell	Walden
Carlton	Locke	St. John	Walton
Chesnut	Mixon	Simpson	Weaver
Cook	Mooneyham	Stephens	Wellborn
Dorsey	McConnell	Swift	Woodall
Frazer	McDowell	Taylor	

—27

Nays:—None.

The bill:

H. 272. To further provide revenue for fish protection, propagation and distribution. To provide for license for fishing with rod and reel and with artificial bait. To provide for the issuance of said license and to whom issued. To provide for penalties for violation of the provisions of this Act and for other purposes.

Was read a third time at length and passed.

Yeas, 22; Nays, 1.

Yeas:

Messrs.:

Browder	McConnell	St. John	Tucker
Dorsey	McDowell	Simpson	Walden
Kelly	Parrish	Stephens	Weaver
Kuykendall	Riddle	Swift	Wellborn
Locke	Rogers	Taylor	Woodall
Mixon	Russell		

—22

Nay: Mr. Frazer.

—1

The bill:

H. 46. To amend Schedule 12 of Section 348 of Chapter 1 of Article XIII of a bill approved July 10, 1935, and entitled "An Act to provide for the general revenue of the State of Alabama."

Was taken up.

Mr. Riddle offered the following substitute for the bill, to-wit:

A BILL

To be entitled an act to amend Schedule 12 of Section 348 of Chapter 1 of Article XIII of a bill approved July 10, 1935, and entitled, "An Act to provide for the general revenue of the State of Alabama."

Be it enacted by the Legislature of Alabama:

Section 1. That Schedule 12 of Section 348 of Chapter 1 of Article XIII, of an Act approved July 10, 1935, and entitled "An Act to provide for the general revenue of the State of Alabama" be and the same is hereby amended so as to read as follows:

Schedule 12. Upon each and every agent of and/or Dealer in and upon every person soliciting orders for the sale or purchase of Automobiles, Motor Cars or other self propelled vehicles, except motorcycles, and except any person regularly employed by a said agent of, and/or dealer in, which said agent of, or dealer in, has paid the privilege tax or license herein provided for, the following privilege or license tax shall be levied and collected, for each place of business, to-wit: in cities or towns having a population of:

2,500 or less.....	\$ 50.00
Over 2,500 to 5,000.....	75.00
Over 5,000 to 10,000.....	100.00
Over 10,000 to 25,000.....	125.00
Over 25,000 to 50,000.....	150.00
Over 50,000.....	200.00

Provided that upon the payment of the license according to the foregoing schedule, a dealer in automobiles may do a general automobile and automotive business and shall not be required to pay any license or privilege tax or tax on the sale of motor vehicles based on the gross receipts or gross proceeds derived from such sales, except the license or privilege tax on the gross proceeds or gross receipts derived from the sale of new automotive vehicles as levied in House Bill 179, approved February 23rd, 1937, or to pay any additional state and county licenses or privileges tax to sell automobiles or automotive vehicles except the license or privilege tax on gross proceeds or gross receipts derived from the sale of new automotive vehicles as levied in House Bill 179, approved February 23rd, 1937, or to pay any additional state and/or county license or privilege tax to sell automobile accessories, parts, radios, tires and batteries or for the operation of a garage for storage where a charge is made, or for the repair or the painting of motor vehicles or trucks, except the tax on gross proceeds or gross receipts derived from sales under the provisions of an Act known as House Bill 39, approved December 17, 1936, and

the license or privilege tax on gross receipts or gross proceeds derived from sales as levied in House Bill 179, approved February 23rd, 1937.

Provided, further that the automobile dealer who has a license under this schedule shall be permitted to purchase one demonstration tag for each salesman he employs at a cost of one dollar each. Provided further that all licensed dealers must on the first, tenth and twentieth of each month report their sales of new cars and trucks to the Probate Judge in their counties on affidavit forms to be furnished by the Tax Commission. Failure to report these sales as provided herein shall constitute a misdemeanor, and shall upon conviction be punished by a fine of not less than \$5.00 nor more than \$100.00. Such dealer automobile license tags may be used for displaying, demonstrating, transporting and testing new and used passenger cars and trucks, and such other uses incident to conducting a general automobile agency and that such dealer automobile license tags may be used at any time, or on any day or night, and that any prospective purchaser may make demonstrations to his own satisfaction without the automobile dealer's representative being in attendance.

Provided further that the purchaser of a new automobile or truck may be granted four days from the date of purchase, to procure a license tag. The date of sale of such car or truck is to be placed on such vehicle in the manner and form as prescribed by the State Tax Commission.

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Russell	Tucker
Browder	Mixon	St. John	Walden
Chesnut	Mooneyham	Simpson	Walton
Cook	McConnell	Stephens	Weaver
Dorsey	Parrish	Swift	Wellborn
Kelly	Riddle	Taylor	Woodall
Kuykendall	Rogers		

—26

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 24; Nays, 1.

Yeas:

Messrs.:

Bonner	Kelly	McConnell	Russell
Browder	Kuykendall	McDowell	St. John
Chesnut	Locke	Parrish	Simpson
Cook	Mixon	Riddle	Swift
Dorsey	Mooneyham	Rogers	Taylor

Tucker	Walden	Weaver	Woodall	—24
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<i>Nay:</i> Mr. Stephens.	—1
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The bill:

H. 129. To exempt from taxation lands in the purchase of which any municipality has invested or may hereafter invest, money pursuant to the terms of a lease sale contract or option agreement.

Was read a third time at length and passed.

Yeas, 19; Nays, 1.

Yeas:

<i>Messrs.:</i>				
Bonner	Kuykendall	St. John	Tucker	
Browder	Locke	Simpson	Walton	
Chesnut	McDowell	Stephens	Weaver	
Cook	Rogers	Swift	Woodall	
Kelly	Russell	Taylor		—19

<i>Nay:</i> Mr. Parrish.	—1
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The bill:

H. 248. To amend Section 21 of the Code of Alabama of 1923.

Was read a third time at length and passed.

Yeas, 19; Nays, 0.

Yeas:

<i>Messrs.:</i>				
Browder	Mooneyham	St. John	Tucker	
Chesnut	McConnell	Simpson	Walton	
Cook	Parrish	Stephens	Weaver	
Kelly	Rogers	Swift	Woodall	
Locke	Russell	Taylor		—19

Nays:—None.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Twenty-eighth Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the Twenty-eighth Legislative day approved by the Senate.

ADJOURNMENT

At 6:55 P. M., on motion of Mr. Kelley, and in accordance with Joint Resolution heretofore adopted, the Senate adjourned until tomorrow morning at 10 A. M.

 TWENTY-NINTH DAY

Wednesday, February 24, 1937.

The Senate met pursuant to adjournment, President Pro-Tem Riddle presiding.

PRAYER

The Session was opened with prayer by Senator Chesnut of Cherokee County

ROLL CALL

Present:

Messrs.:			
Bonner	Kuykendall	Rogers	Taylor
Browder	Locke	Russell	Thomas
Carlton	Mixon	St. John	Tucker
Chesnut	Mooneyham	Simpson	Walden
Cook	McConnell	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Frazer	Parrish	Stoddard	Wellborn
Goldsmith	Richardson	Swift	Woodall
Kelly	Riddle		

—34

JOURNAL

On motion of Mr. Tucker the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bill with the engrossed and original bill, respectively, and finds same correctly enrolled, to-wit:

S. 64. To make an appropriation to provide for carrying out the provisions of an Act approved August 1, 1931, entitled "An Act to provide for educational opportunities for the children of soldiers, sailors and marines who were killed in action or died during the World War; to provide an appropriation, to define its uses and administration."

Earl Thomas,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 339. To Amend Sections 6, 7, 9, 11, and 14 of an Act of the Legislature of Alabama approved September 7, 1935, entitled "An Act to further provide for freeing Alabama Highways of all toll bridges, through a corporation to be composed of the President of the State Board of Administration, the State Comptroller, and the Chairman of the State Highway Commission, whose incorporation is authorized, and to prescribe the power and authority of such corporation and to provide it with funds necessary to enable it to accomplish the purpose of its creation."

Also:

H. 342. To authorize and direct the members of the Court of County Commissioners of Cleburne County to supervise and inspect the construction and maintenance of roads and bridges and

to provide that compensation for all supervision of road and bridge work be paid out of the Gasoline Excise Tax Fund of Cleburne County and to provide when this Act shall become effective.

Also:

H. 343. To authorize and empower Boards of Education in all Counties in the State of Alabama with a population of not less than 45,300, nor more than 46,100 according to the last or any subsequent Federal Census, where the maximum salary of the Superintendent of Education is prescribed by law, to fix, approve, and authorize the payment of the traveling expenses incurred by such Superintendent in the performance of his official duties within the County and the expenses incurred by him when his official duties require him to go outside of the County; to require such Superintendents of Education to prepare and file on forms to be prescribed by the State Board of Education a certified itemized statement of the expenses incurred; and to provide that the payment of the expenses hereby authorized shall not constitute a part of the official salary of such Superintendents.

Also:

H. 349. To authorize the Commissioner Court of Greene County, Alabama to transfer Fifteen Thousand dollars from the Gasoline Fund to the General Fund of said County.

Also:

H. 358. To provide that any County in the State of Alabama having a population of 41,000 or more, according to the last or any subsequent Federal census, in which there exists a Board of Finance and Control shall have the right or authority to employ stenographers, clerks or other assistants and shall expend not more than One Thousand (\$1000.00) Dollars in any one fiscal year in payment for the services of such stenographers, clerks or assistants.

Also:

H. 366. To authorize and empower the County School Commission of Clarke County, Alabama, to buy or purchase necessary office equipment, furniture, fixtures, supplies, stationery, postage, telephone, telephone and telegraph services and pay for the same out of school funds of Clarke County, Alabama; and to authorize and empower the County School Commission of Clarke County, Alabama, to pay for out of the school funds of Clarke County, Alabama any office equipment, furniture, fixtures, supplies, stationery, postage, telephone, telephone and telegraph services, con-

tracted for or purchased by the County School Commission of Clarke County, Alabama, subsequent to July 1, 1936.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE GOVERNOR

On motion of Mr. Chesnut, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

S. 109. To provide that in all counties in the State of Alabama with a population of not less than 20,100, nor more than 20,500, according to the last or any subsequent Federal Census, the per diem and mileage and any and all other compensation which is now provided or may hereafter be provided by law for the members of the Commissioners Court, Board of Revenue or like governing body, shall be paid out of the proceeds of the gasoline excise tax fund accruing to the respective counties from the State of Alabama while the members of said bodies are engaged in the performance of their duties in connection with the supervision, construction, maintenance and/or repair of the public roads and/or bridges in their respective counties; to provide that nothing herein contained shall be construed as changing the per diem and mileage, or any and all other compensation which is now provided, or which may hereafter be provided by law for the members of said bodies in said counties; to repeal all laws and parts of laws, general, special and local in conflict herewith; and to provide for the effective date of this Act.

Said Governor's Message being in the following words and figures, to-wit:

To the Senate of Alabama,
Montgomery, Alabama.
Gentlemen:

I am returning herewith to you, the Body in which it originated, Senate Bill No. 109 without my approval.

I suggest the following Executive Amendment, which if adopted will remove my objection to the bill:

Amend Section 1 of said bill so that the same shall read as follows:

Section 1. That from and after the passage and approval of this act. all counties in the State of Alabama with a population of not less than 20,100 nor more than 20,500, according to the last or any subsequent Federal Census, shall pay the per diem and mileage and any and all other compensation which is now provided, or which may hereafter be provided, by law, to the members of the Court of County Commissioners, Boards of Revenue or other like governing body of the said counties out of the proceeds derived from the gasoline excise tax fund accruing to said counties as levied by Schedule 156.9, Article 13, Chapter 4 of House Bill No. 324, approved July 10, 1935, while the members of said bodies are engaged in the performance of their duties in connection with the supervision, construction, maintenance and/or repair of the public roads and bridges of their respective counties.

Respectfully,
Bibb Graves,
Governor."

February 24, 1937.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Tucker
Browder	Kuykendall	Simpson	Walden
Carlton	Mooneyham	Starnes	Walton
Chesnut	McConnell	Stephens	Weaver
Dorsey	McDowell	Stoddard	Wellborn
Frazer	Richardson	Swift	Woodall
Goldsmith	Rogers		

—26

Nays:—None.

Which was a majority of the whole number elected to the Senate.

And said bill, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Tucker
Browder	Kuykendall	Simpson	Walden
Carlton	Mooneyham	Starnes	Walton
Chesnut	McConnell	Stephens	Weaver
Dorsey	McDowell	Stoddard	Wellborn
Frazer	Richardson	Swift	Woodall
Goldsmith	Rogers		

—26

Nays:—None.

Which was a majority of the whole number elected to the Senate.

RESOLUTION

The Rules Committee reported the following resolution:

S. R. 51. BE IT RESOLVED BY THE SENATE, that the following be the Special Order of business for this legislative day:

1. All local bills.
2. All other bills appearing on the calendar in the following order:

H. 337—P. 14
H. 373—P. 16
H. 330—P. 9
H. 260—P. 9
H. 184—P. 10
H. 266—P. 23
H. 167—P. 8
H. 168—P. 9
H. 109—P. 23
H. 162—P. 3
H. 62—P. 1
H. 40—P. 2
H. 105—P. 2
H. 278—P. 4
H. 279—P. 5
H. 214—P. 20
H. 302—P. 6
H. 184—P. 10
H. 298—P. 10
H. 271—P. 11
H. 300—P. 12
H. 161—P. 15
H. 283—P. 21
H. 246—P. 15
H. 71—P. 22

That no Senator speak for more than five minutes on any one proposition before the Senate; that no Senator be allowed to yield the floor during the debate on any proposition.

Which was adopted.

REPORTS OF COMMITTEES

Mr. Riddle, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favor-

able report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Hendley:

H. 215. To amend Sections 8540, 8542, 8543, 8544, 8545, 8546, 8550, 8552 and 8553, and to repeal Sections 8547, 8548, 8549 and 8551 of the Code of Alabama.

Mr. Simpson, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Ellis:

H. 326. To amend Section 9638 of the Code of Alabama of 1923.

By Mr. Boswell (with amendment):

H. 33. To Amend Section 4039 of the Code of Alabama 1923.

Mr. Russell, Chairman of the Standing Committee on Finance & Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hollis (with amendment):

H. 319. To provide that in all counties in the State of Alabama with a population of not less than 17,800, nor more than 19,300, according to the last or any subsequent Federal Census, the per diem and mileage and any and all other Compensation which is now provided or may hereafter be provided by law for the members of the Commissioners Court, Board of Revenue or like governing body, shall be paid out of the proceeds of the gasoline excise tax fund accruing to the respective counties from the State of Alabama while the members of said bodies are engaged in the performance of their duties in connection with the supervision, construction, maintenance and/or repair of the public roads and/or bridges in their respective counties; to provide that nothing herein contained shall be construed as changing the per diem and mileage, or any and all other compensation which is now provided, or which may hereafter be provided by law for the members of said bodies in said counties; to repeal all laws and parts of laws, general, special and local in conflict herewith; and to provide for the effective date of this Act.

By Mr. Todd:

H. 52. To amend Schedule 158.3 of Chapter 6, Article 13 of An Act entitled, "An Act to provide for the General Revenue of

the State of Alabama", approved July 10, 1935, as amended by An Act, entitled "An Act to amend Schedule 158.3 of Section 348, Chapter 6 of Article 13 of an Act of the Legislature, approved July 10, 1935," approved September 14, 1935.

By Mr. Adams:

H. 75. To amend Schedule 7 of Section 348 of Article XIII, Chapter 1, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

By Mr. Miller:

H. 156. To Amend Sub-Section 13 of Section 303 of the Code of Alabama of 1923.

By Mr. Bateman:

H. 158. To Amend Section 6766 of the Code of Alabama of 1923.

By Mr. McDermott (by request):

H. 182. To amend Section 348, Article XIII, Chapter 1, of An Act entitled "An Act to provide for the General Revenue of the State of Alabama" approved July 10, 1935.

By Mr. Sanderson:

H. 368. To appropriate the sum of One Thousand Dollars to the United Daughters of the Confederacy of Alabama to aid in the erection on the Capitol grounds of a monument to Jefferson Davis, first and only president of the Confederate States of America.

By Messrs. Hollis and Hodges:

H. 388. To regulate the use, distribution and expenditure of the proceeds of the gasoline tax fund received from the State of Alabama in all Counties in the State of Alabama with a population of not less than 17,800 nor more than 19,300 according to the last or any subsequent Federal census; to make the violations of the provisions of this Act a misdemeanor punishable by a fine in the amount specified herein; to provide the date on which this Act shall become effective and to repeal all laws in conflict herewith.

Mr. Tucker, Chairman of the Standing Committee on Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Goodwyn:

H. 377. To amend Section 2 of an Act of the Legislature of Alabama, approved July 30, 1931, entitled "An Act to prohibit the writing of contingent or so called mortality endowment contracts

by life insurance companies, mutual aid associations and fraternal benefit societies, to further regulate the writing of such contracts and to repeal all laws and parts of laws in conflict with this Act."

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

S. 81. To repeal an Act entitled, "An Act to amend an Act to establish a more humane system for caring for the needy aged in the State of Alabama and the several counties thereof by providing for old age pensions, to define the persons entitled thereto, and to provide for the ascertainment and determination of the qualifications of applicants therefor; to further provide for and regulate the payment of pensions under Article 1 of Chapter 55 of the Code of Alabama of 1923, as amended; to provide for the payment thereof; to make an appropriation for the same; to provide for a lien on the property of certain recipients of old age pensions and to provide for the enforcement thereof, to provide for the administration of such system and to define offenses against this Act and to fix punishment for such offenses; and to provide for cooperation with the Government of the United States and its agencies in caring for the needy aged; and to repeal all laws in conflict herewith, Approved April 21, 1936."

Also:

S. 80. To amend the caption and Sections 2, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16 and 18 and to Repeal Sections 21, 22 and 23 of an Act entitled, "An Act to establish a more humane system for caring for the needy aged in the State of Alabama and the several counties thereof by providing for old age pensions; to define the persons entitled thereto, and to provide for the ascertainment and determination of the qualifications of applicants therefor; to further provide for and regulate the payment of pensions under Article I of Chapter 55 of the Code of Alabama of 1923, as amended; to provide for the payment thereof; to make an appropriation for the same; to provide for a lien on the property of certain recipients of old age pensions and to provide for the enforcement thereof, to provide for the administration of such system and to define offenses against this Act and to fix punishment for such offenses; and to provide for cooperation with the Government of the United States and its agencies in caring for the needy aged; and to repeal all laws in conflict herewith, approved September 14, 1935.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House joint resolution:

By Mr. Goodwyn:

H. J. R. 188. Be it Resolved by the House of Representatives the Senate Concurring that Senate Bill No. 80 be known as the Simpson-Hill Bill.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Simpson, the Rules were suspended and the resolution, H. J. R. 188, the title of which is set out in the foregoing Message from the House, was concurred in and adopted.

BILLS ON THIRD READING

The bill:

H. 141. To amend and revise an Act entitled "An Act to amend Sections I, II, III, IV, V, VI, VII, VIII, IX, X, XI, and XII, of an Act entitled 'An Act to regulate the occupation and practice of Cosmetology in all Counties of the State of Alabama now having or which may hereafter have a population of 400,000 or more according to the last or any subsequent Federal census; to establish a Board of Cosmetological Examiners in each of such Counties; to define the duties of such Boards, the election of officers, etc. and their duties; provide for the salaries of such Boards and the employees of such Boards, to define what shall constitute the practice of Cosmetology in such Counties; to set up qualifications for apprentices or students in such Counties and for admission to practice Cosmetology; to provide for issuance of certificates of registration for shops and schools in such Counties; to provide requirements of shops and schools teaching Cosmetology in such Counties, provide for the refusal or revocation of certificates of registration in such Counties, the requirements of renewal of registration and licenses in such Counties and penalties for the violation of this Act, which became a law July 23rd, 1931,' approved March 31st, 1936," and to repeal Section XII thereof; to provide for the payment and levy of licenses; and to provide penalties for the violation of this Act.

Was taken up.

Mr. Simpson offered the following substitute for the bill, to-wit:

A BILL

To be entitled an act to amend and revise an Act entitled "An Act to amend Sections I, II, III, IV, V, VI, VII, VIII, IX, X, XI, and XII, of an Act entitled 'An act to regulate the occupation and practice of Cosmetology in all Counties of the State of Alabama now having or which may hereafter have a population of 400,000 or more according to the last or any subsequent Federal Census; to establish a Board of Cosmetological Examiners in each of such Counties; to define the duties of such Boards, the election of officers, etc., and their duties; provide for the salaries of such Boards and the employees of such Boards, to define what shall constitute the practice of Cosmetology in such Counties; to set up qualifications for apprentices or students in such Counties and for admission to practice Cosmetology; to provide for issuance of certificates of registration for shops and schools in such Counties; to provide requirements of shops and schools teaching Cosmetology in such Counties; provide for the refusal or revocation of certificates of registration and licenses in such Counties and penalties for the violation of this Act, which became a law July 23, 1931," approved March 31, 1936.

Be it enacted by the Legislature of Alabama:

Section A. That an Act entitled "An Act to amend Sections I, II, III, IV, V, VI, VII, VIII, IX, X, XI, and XII of an Act entitled 'An Act to regulate the occupation and practice of Cosmetology in all Counties of the State of Alabama now having or which may hereafter have a population of 400,000 or more according to the last or any subsequent Federal census; to establish a Board of Cosmetological Examiners in each of such Counties; to define the duties of such Boards, the election of officers, etc., and their duties; provide for the salaries of such Board and the employees of such Boards, to define what shall constitute the practice of Cosmetology in such Counties; to set up qualifications for apprentice or students in such Counties and for admission to practice Cosmetology; to provide for issuance of certificates of registration for shops and schools in such Counties; to provide requirements of shops and schools teaching Cosmetology in such Counties; provide for the refusal or revocation of certificates of registration and licenses in such Counties, and penalties for the violation of this Act, which became a law July 23, 1931," approved March 31, 1936, be amended so as to read as follows:

Section 1. After the approval of this Act it shall be unlawful for any person, firm or corporation for pay or remuneration of any

kind whatever to engage in or to follow or attempt to engage in or follow or to hold himself or herself out as engaging in or following the practice of Cosmetology either as practitioner or as apprentice thereof or to teach the occupation of Cosmetology or to conduct a Cosmetology school by whatever name or designation in any County of the State of Alabama which now has or may hereafter have a population of 400,000 or more according to the last or any subsequent Federal census, unless such person shall first have obtained a license issued by the Board of Cosmetological Examiners of the County in which such person engages in or follows or attempts to engage in or follow the practice of Cosmetology or conducts such school, as hereafter provided and created and any Cosmetologist or shop where such is practiced or school where such is taught shall at all times be under the direct supervision of a registered Cosmetologist.

Section II. Practice Defined. Any of the following practices when compensation is received therefor, for the interpretation of this Act shall be deemed to constitute the practice of Cosmetology and are divided into groups as follows: (A) Arranging, dressing, curling, waving, cleaning, cutting, singeing, bleaching, colorings, or similar work upon the hair of a female person by any means; (B) By the use of cosmetic preparations, antiseptics, tonics, lotions or creams, massaging, cleansing, stimulating, manipulating, exercising, beautifying or similar work on the scalp, neck, face, arms, bust, or upper parts of the body; (C) With the hands or mechanical or electrical apparatus or appliances, placing permanent curls or waves in the hair; (D) Manicuring the nails of a female person.

Section III. Exceptions. Any place or premises or part thereof wherein Cosmetology or any of its practices are followed or taught as set out in subdivisions A to D, inclusive, of Section II of this Act, or any person therein or thereabouts who shall practice Cosmetology as above defined in Section II, whether such place is known or designated as beauty shop, establishments or school, shall be subject to the provisions of this Act. Provided, however, that nothing in this Act shall prevent persons engaged in the practice of medicine, surgery, barbering or as a barber apprentice in a barber shop or barber college or personnel of the United States Army, Navy, or Marine Corps or registered nurses from doing any of the acts or work defined as Cosmetology. Provided, however, that persons whose principal business is the cutting the hair of female persons only and exclusively, shall be subject to the provisions of this Act and shall not be subject to the provisions of Act No. 113 approved April 14, 1936, and the Acts of which that Act is amendatory; provided further that any person who shall cut hair for a valuable consideration, other than as hereinabove provided, shall be deemed a barber and shall not be subject to the

provisions of this Act. It shall be unlawful to practice Cosmetology in any room or shop used wholly or in part for living or sleeping quarters, but nothing shall prevent any licensed beauty shop from sending a licensed operator to serve a patron who shall desire such service performed in patrons' own home. This Act shall not apply to the teaching and or practice of Cosmetology in training public school children or pupils in the public school in any County to which this Act applies.

SECTION IV. DEFINITION AND QUALIFICATION OF APPRENTICES OR STUDENTS. Any person who is engaged in learning or acquiring knowledge of any or all practices of Cosmetology under Subdivision A to D. inclusive of Section II, who has not studied in a regularly licensed school of Cosmetology under the immediate supervision of a licensed practitioner or instructor of Cosmetology for a period of six (6) months, shall be known as an apprentice or student of Cosmetology and shall be so registered with said Board of Cosmetological Examiners until he or she shall have served the required six (6) months as such and at the expiration of such period of six (6) months, application may be made for an examination for a license to practice Cosmetology, provided, however, that no person shall be qualified to receive a certificate or license as an apprentice who is not at least (16) years of age, of good moral character, and who has not completed a scholastic course equal to the eighth grade of common school and said applicant shall present to said school where study of training is desired by such apprentice or student a certificate by a regularly licensed physician of applicant's good health and freedom from all social or communicable diseases.

SECTION V. QUALIFICATIONS FOR ADMISSION TO PRACTICE COSMETOLOGY. After said applicant has completed six (6) months of study in a licensed school as provided by this Act, said applicant must obtain a certificate of such study from said school, and shall file with the Board of Cosmetological Examiners in the County where said school is conducted or in the County where such applicant desires to practice Cosmetology, a written application for examination in that certain branch of Cosmetology that said applicant desires to be examined upon setting out in said application whether said applicant desires to be examined for a license to practice under one or more subdivisions A, B, C, D, of Section II, or all of them. Such application shall be accompanied by a health certificate issued by a regular licensed physician under oath that said applicant is in good health and free from all social or communicable diseases, together with satisfactory proof of the required age of sixteen (16) years, and of good moral character, and shall deposit with the Board a fee of Five Dollars (\$5.00) for such examination. After said examination and within fifteen (15) days, said Board shall certify and issue an appropriate license to

such applicants who have successfully passed such examination, and who shall be deemed qualified for practice in any or all of the branches of Cosmetology in the Judgment of the Board, upon payment of the required fee hereinafter provided.

SECTION VI. ISSUANCE OF CERTIFICATE OR LICENSE. Any person engaged in the practice of Cosmetology as set out in subdivisions A to D inclusive, of Section II of this Act, or in the practice of any one of such subdivisions, and has been so engaged in the practice for six (6) months prior to the time this Act becomes effective and who shall make sworn written application setting out under what subdivision or subdivisions he or she has been engaged in the practice, within sixty days after this Act becomes effective to the Board of Cosmetological Examiners in any such County shall be issued a license without examination for that particular subdivision or all of them which may be applied for, upon the payment of one fee of Five Dollars (\$5.00), which shall accompany such application. Failure of a person practicing as a Cosmetologist, when this Act becomes effective, to make application for a license, within the period afore prescribed, shall subject himself or herself to an additional fee or penalty of Five (\$5.00) Dollars, but in no case may application for a license be made to practice Cosmetology or any branch thereof without examination, under Section II of this Act, unless said application shall have been made within six (6) months after this Act shall have become effective. Applicants holding certificates or licenses issued by Cosmetology Boards of other States or Counties who shall certify and prove such facts to the satisfaction of the Board of Cosmetological Examiners within six (6) months after this Act shall have become effective shall be issued a license as an operator without examination upon payment of a registration fee of Ten Dollars (\$10.00).

SECTION VII. LICENSE FOR SHOPS OR SCHOOLS. Any person, firm or corporation may apply to the Board of Cosmetological Examiners in any such County for a license to operate a beauty shop or school of Cosmetology or beauty school, within the meaning of this Act, by making written application to such Board of Cosmetological Examiners applying for a license to open and operate said beauty shop or school of Cosmetology under the management and direction of a licensed operator in the County over which the Board has jurisdiction. And said Board shall issue said beauty shop or school of Cosmetology a license to operate under this Act upon receipt of the payment of a fee as follows: For a beauty shop, Ten Dollars (\$10.00) for a school of Cosmetology, Fifty Dollars (\$50.00) provided, however, that no person, firm, or corporation shall operate a combination beauty shop and beauty school, and no beauty shop shall teach or train a student or apprentice preparatory for examination as a Cosmetologist, and no beauty shop shall at any time teach or train a student for hire or reward. No beauty

shop or school shall employ an operator or instructor unless they shall have first qualified with the Board and secured a license. Any violation of this section shall be cause for revocation of the license of such shop or school by the Board.

SECTION VIII. REQUIREMENT OF A SCHOOL TEACHING COSMETOLOGY. Any person, firm or corporation who shall establish by license from the Board of Cosmetological Examiners in any such County, as provided in Section Seven of this Act, a school where students shall be taught or trained in Cosmetology, shall employ not less than one teacher or instructor licensed as a Cosmetologist in one or more branches of Cosmetology as set out in Section II, subdivisions A to D inclusive, to every twenty pupils or students enrolled in such schools. All teachers and instructors shall be prohibited from practicing Cosmetology for pay or hire directly or indirectly. All schools teaching Cosmetology shall have in said school apparatus and appliances sufficient for the proper and full teaching of all subjects under subdivisions A to D, inclusive, in Section II of this Act, and said school shall keep a daily record of the attendance of each student, maintain regular class and instruction hours of not less than four (4) hours per day and not less than five (5) days a week while said student shall be in attendance, and in no case shall an examination be given a student by the board of Cosmetological Examiners before he or she shall have completed a term of training of not less than six (6) months actual attendance at such school for a training course comprising all or any one of the practices of Cosmetology as provided in Section II of this Act, and such training shall include practical demonstrations, and theoretical studies in sanitation, sterilization, and the use of antiseptics, and other requirements applicable to Cosmetology or any practice thereof as provided in this Act, except however, that any applicant may be certified to such Board of Cosmetological Examiners by said school, as having completed such course of study as herein provided, for one or more of the subdivisions of A, B, C, or D, of Section II hereof, and then said student shall be given an examination for a license to practice under the branch, or branches of Cosmetology upon which he or she has been certified to have completed at the next regular time for examination as provided for in this Act. Violation of any of the provisions of this Section shall render the license of such school subject to revocation at the discretion of the Board.

SECTION IX. Refusal or REVOCATION OF A CERTIFICATE OR LICENSE. Such Boards of Cosmetological Examiners shall refuse a certificate, or license, or examination of any applicant, and holder of a license shall have same revoked, if said holder shall have previously been convicted of a felony in any Courts of this State or of any other State or of the United States or when guilty of gross malpractice or incompetency, or of conduct involving moral turpitude, or who shall have a contagious or infectious dis-

ease, or be addicted to habitual drunkenness, use of cocaine, morphine, or other habit forming drugs. Provided, however, that no person shall have his or her license revoked or be refused an examination for a license without a public hearing by any such Board of Cosmetological Examiners if the same is demanded in writing to the Board by the accused within ten days after notice of such revocation or refusal has been made by said Board, and said accused shall not have less than twenty (20) days in which to prepare his or her defense and procure evidence in his or her behalf. At such hearing, the Board shall compel the attendance of witnesses and the production of books and papers by subpoena, and also shall have the power to administer oaths. All fees and mileage shall be the same as prescribed by law in judicial procedure in the Courts of this state in Civil cases. Any party to a hearing shall have the right to attendance of witnesses in his behalf. In case of disobedience to a subpoena, any member of the Board may invoke the aid of any Court of competent jurisdiction in requiring the attendance and testimony of witnesses and the production of papers and such Court may issue an order requiring the person to appear before the Board and give evidence or produce papers, as the case may be, and any failure to obey such order of the Court may be punished as a contempt thereof. Any person so refusing to appear and give testimony required by said Board shall be guilty of a misdemeanor and upon conviction thereof by a court of competent jurisdiction shall be punished as provided by law. If the Board shall determine that any applicant is not qualified to receive a license, or that any licensee is guilty of a violation of any of the provisions of this Act, a license shall not be granted, or the same suspended or revoked, as the case may require. Upon request of the applicant or licensee in writing, the Board shall furnish said party with a definite statement of its findings of facts and its reason or reasons for refusing to grant the license or for its suspension or revocation of same. The findings of the Board may be appealed to the Circuit Court of the County in which the principal office of the Board is located, provided an appeal is taken within thirty (30) days after such final determination of the Board. Any person desiring to appeal under this Section, shall file with the Board a notice in writing that he appeals to the Circuit Court, and shall post bond with at least one solvent surety payable to the Clerk of the Court wherein the case will be tried, conditioned to prosecute such appeal to a successful conclusion, and upon failure so to do to pay all costs and damages which may be taxed against him by the said Circuit Court and any cause so appealed shall be tried *de novo* in said Circuit Court.

SECTION X. BOARDS OF COSMETOLOGICAL EXAMINERS ESTABLISHED IN EACH OF SAID COUNTIES AND THEIR SALARIES SET AND DUTIES DEFINED. SALARIES AND DUTIES OF INSPECTOR. For car-

rying out the provisions of this Act, a Board of Cosmetological Examiners herein sometimes referred to as the Board is hereby established in each County of the State of Alabama which now has, or which may hereafter have, a population of 400,000 or more according to the last or any subsequent Federal census. The members of such Board shall be appointed by the County Commission or like governing body of the County in which said Board is located. Board members, five (5) in number, shall be named and shall be practitioners of Cosmetology of not less than five (5) years experience in this State, and shall reside in the County where said Board has jurisdiction. The members of the Board shall be appointed for a term of two years, and those appointed to fill interim vacancies, shall be appointed only for the unexpired terms of their predecessors. No member of the Board shall directly or indirectly be engaged in or interested in selling cosmetological fixtures or supplies and each of such members shall be a qualified voter of the County in which he is appointed at the time of his appointment and during the term he holds office. The Board shall keep a record of all proceedings, subject to public inspection, and a register of all applicants and registrants, and each such Board shall have authority to make reasonable rules and regulations for the operation of schools of cosmetology and beauty shops and the practice of Cosmetology and the operation of Cosmetology schools in their respective counties. The county Health Officer of the County affected shall appoint, and at his pleasure remove an inspector, who shall under the supervision of the Board of Cosmetological Examiners and the County Health Officer so far as he may require, and such inspector shall not engage in business as a Cosmetologist, the operation of a Cosmetology College, nor be directly or indirectly engaged in selling Cosmetological fixtures or supplies in any way while serving as inspector, nor shall such inspector be related by blood or marriage to any member of the Board in the County where he serves as such inspector. Such inspector shall have the authority to enter and inspect any schools or shops of Cosmetology in said County for the purpose of enforcing the provisions of this Act; and he shall report in writing on the health conditions found therein to the County Health Officer. Such inspector when appointed by the County Health Officer shall for his services receive a salary, which shall be paid on the order of the Board of Cosmetological Examiners and with the approval of the Chairman of the County Commission or other like Board of such County. Such salary shall not exceed One Hundred Dollars per month and all reasonable expenses allowed and approved by the Board of Cosmetological Examiners and the Chairman of such County Commission or other like Board of such County, all of which payments and the other payments herein authorized shall not exceed the total revenue received from licenses and fees paid under this Act, during the fiscal year. A copy of all rules and

regulations adopted by the Board shall be furnished to the proprietor of each shop and school of Cosmetology. The report herein above required to be made to the County Health Officer shall be made in writing and shall contain such matters as may be required by such County Health Officer and a copy of such report shall in all instances be furnished to the Board. No two members of said Board shall be a part owner of, or employed by, or work in any one shop or school of cosmetology while in office.

SECTION XI. ELECTION OF OFFICERS AND BOARD DUTIES. The members of such Board shall, after their appointment, annually elect from among their members a Chairman and may do all things necessary or convenient for carrying into effect the provisions of this Act. The members of the Board shall serve in their capacity as members of said Board and perform their duties as set out and provided in this Act, without compensation except as herein otherwise provided. The Board shall obtain such office space, furnishings, and other proper conveniences as it shall deem reasonably necessary for carrying out the provisions of this Act. The County governing body may assign such to it in the Court House provided that the actual cost to the county shall be paid by the Board. The principal office of said Board is to be located at the County seat of the respective Counties hereby affected. The Board shall adopt a seal with such design as it may prescribe engraved thereon by which it shall authenticate its proceedings. Copies of all records and papers in the office of the Board duly certified and authenticated by its seal shall be received in evidence in all Courts with like effect as the original. All fees and charges collected by the Board under the provisions of this Act shall be paid into the Treasury of the respective Counties hereby affected, and shall constitute a separate fund. All expenses incurred by the Board shall be paid out of such separate fund upon the order of the Board, by checks approved by the Chairman of said Board of County Commissioners or other like governing body provided the total of such payments for every purpose, shall not exceed the total fees, licenses and charges collected and paid into the County Treasury by such Board, and all monies remaining in such separate fund at the end of the County's fiscal year, not expended as herein provided, shall become a part of the general fund of such County. The members of each Board shall at least every six months hold an examination for the purpose of determining the qualifications of applicants to become Cosmetologists and shall be paid the sum of ten dollars per day each for holding such examination provided that no member of such Board shall receive more than One Hundred Twenty Dollars for such services in any one year. A majority of the Board shall constitute a quorum.

Section XII. REQUIREMENT OF RENEWAL OF LICENSE. Each such Board shall require each operator, whether

employed in a shop and subject to the License imposed by Schedule 21 of Section 348 of the Revenue Act approved July 10th, 1935, or working in a shop on piece work, or commission or as an independent contractor and therefore not liable to such license, each school of Cosmetology and each beauty shop in its respective County to renew their license hereunder once each year by requiring each of the above to make application to the Board for such renewal license and such renewal application shall be accompanied by a renewal fee as follows; for operators, Three (\$3.00) Dollars; for shops, Ten (\$10.00) Dollars; for schools, Fifty Dollars (\$50.00), and there shall be attached to each application of an operator for renewal a sworn certificate of health of said applicant issued by a registered licensed physician. A certificate or license shall expire on the 31st day of December in each year. The holder of an expired license may within three years of the date of the expiration have his or her certificate restored upon the payment of five (\$5.00) Dollars together with satisfactory proof to the Board of the County in which such applicant resides of his or her qualifications to resume practice or occupation.

Section XIII. Each section of this Act and every part of each section is hereby declared to be independent of every other and the holding of any section or part thereof to be void or ineffective for any cause, shall not be deemed to affect any other section or part thereof.

Section XIV. This Act shall become effective upon its passage and approval by the Governor.

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers	Swift
Browder	Mixon	Russell	Tucker
Carlton	Mooneyham	Simpson	Walden
Chesnut	McConnell	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Frazer	Parrish	Stoddard	Wellborn
Goldsmith	Richardson		

—26

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Dorsey	Mixon	Parrish
Browder	Frazer	Mooneyham	Richardson
Carlton	Goldsmith	McConnell	Rogers
Chesnut	Kuykendall	McDowell	Russell

Simpson
Starnes
Stephens

Stoddard
Swift
Tucker

Walden
Walton

Weaver
Wellborn

—26

Nays:—None.

The bill:

H. 309. To authorize any municipality of over one hundred thousand population according to the last or any subsequent Federal Census to issue new bonds for mutilated bonds.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner
Browder
Carlton
Chesnut
Dorsey
Frazer
Goldsmith

Kuykendall
Mixon
Mooneyham
McConnell
McDowell
Parrish
Richardson

Riddle
Rogers
Russell
Simpson
Starnes
Stephens

Swift
Tucker
Walden
Walton
Weaver
Wellborn

—26

Nays:—None.

The bill:

H. 374. To authorize and empower the Court of County Commissioners of Chilton County, Alabama, or like governing body of said county, to contract for, purchase, install, equip, operate and maintain one or more refrigerator compressors and drinking founts or refrigerated drinking founts and all machinery, equipment, supplies and appurtenances necessary therefor, in the Court House of said county or on the premises thereof and to pay for the same out of the General Funds of said County.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner
Browder
Carlton
Chesnut
Dorsey
Frazer
Goldsmith

Kuykendall
Mixon
Mooneyham
McConnell
McDowell
Richardson
Rogers

Russell
St. John
Simpson
Starnes
Stoddard
Swift

Thomas
Tucker
Walden
Walton
Wellborn
Woodall

—26

Nays:—None.

The bill:

H. 335. To provide for the relief of John H. Middleton and to require the Board of Revenue and Road Commissioners of Mo-

bile County, Alabama to appropriate and the County Treasurer of Mobile County to pay to John H. Middleton the sum of \$300.00 for the destruction of a truck resulting from the negligence of employees of Mobile County.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers	Stoddard
Browder	Mixon	Russell	Swift
Carlton	Mooneyham	St. John	Tucker
Chesnut	McConnell	Simpson	Walden
Dorsey	McDowell	Starnes	Walton
Frazer	Parrish	Stephens	Wellborn
Goldsmith	Richardson		

—26

Nays:—None.

The bill:

H. 363. To allow the Register in Chancery of the Circuit Court of Blount County, Alabama, a clerk; to provide for the appointment and tenure of office of said clerk to fix the salary of said clerk and to make the same payable out of the general funds of Blount County in monthly installments.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers	Swift
Browder	Mixon	Russell	Tucker
Carlton	Mooneyham	Simpson	Walden
Chesnut	McConnell	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Frazer	Parrish	Stoddard	Wellborn
Goldsmith	Richardson		

—26

Nays:—None.

The bill:

H. 337. To fix the salaries and compensation of the Chief Justice and Associate Justices of the Supreme Court; The Judges of the Court of Appeals and the Judges of the several Circuit Courts of the State; to provide how same shall be payable; and to provide for the repeal of all laws and parts of laws in conflict with this Act; to provide when the provisions of this Act shall become effective.

Was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the bill, to-wit:

Amend House Bill No. 337 by striking from the caption of said bill and from the bill the following words and figures wherever same occurs in said bill "and the Judges of the several circuit courts of the State" and "The salary of every circuit Judge in the State of Alabama shall be \$5000.00."

Amend House Bill No. 337 by striking Section 2 from said bill.

And on motion of Mr. Riddle, said amendment was laid on the table.

Yeas, 24; Nays, 7.

Yeas:

Messrs.:

Chesnut	Mixon	Rogers	Thomas
Cook	Mooneyham	St. John	Tucker
Frazer	McConnell	Simpson	Walden
Kelly	McDowell	Stephens	Walton
Kuykendall	Richardson	Stoddard	Weaver
Locke	Riddle	Swift	Woodall

—24

Nays:

Messrs.:

Bonner	Parrish	Starnes	Wellborn
Dorsey	Russell	Taylor	

—7

Mr. Dorsey offered the following amendment to the bill, to-wit:

Amend House bill No. 337 by striking out the section providing for time which this Act will become effective, and inserting in lieu thereof the following: "provided that the salary raises provided in this Act shall not become effective until the beginning of the next term of offices."

And on motion of Mr. Riddle, said amendment was laid on the table.

Yeas, 25; Nays, 7.

Yeas:

Messrs.:

Chesnut	Mooneyham	Russell	Thomas
Cook	McConnell	St. John	Tucker
Frazer	McDowell	Simpson	Walden
Kelly	Richardson	Stephens	Walton
Kuykendall	Riddle	Stoddard	Weaver
Locke	Rogers	Swift	Woodall
Mixon			

—25

Nays:

Messrs.:

Bonner	Goldsmith	Starnes	Wellborn
Dorsey	Parrish	Taylor	

—7

Mr. Thomas also offered the following amendment to the bill, to-wit:

Amend the caption of House Bill No. 337 by adding after the words "And the Judges of the several circuit courts of the State" where they appear together the following "and the State Health Officer"

Also amend Section 1 of House bill No. 337 by adding thereto the following: "The salary of the State Health Officer shall be forty six Hundred Dollars per annum"

And on motion of Mr. Dowell, said amendment was laid on the table.

Yeas, 20; Nays, 12.

Yeas:

Messrs.:

Bonner	Locke	Riddle	Stoddard
Chesnut	Mixon	Rogers	Swift
Cook	McConnell	Russell	Taylor
Dorsey	McDowell	Simpson	Walden
Kuykendall	Richardson	Starnes	Wellborn

—20

Nays:

Messrs.:

Frazer	Mooneyham	Stephens	Walton
Goldsmith	Parrish	Thomas	Weaver
Kelly	St. John	Tucker	Woodall

—12

And said bill was then read a third time at length and passed.

Yeas, 23; Nays, 9.

Yeas:

Messrs.:

Chesnut	Mooneyham	Russell	Tucker
Cook	McConnell	Simpson	Walden
Frazer	McDowell	Starnes	Walton
Kelly	Richardson	Stephens	Weaver
Kuykendall	Riddle	Stoddard	Woodall
Locke	Rogers	Swift	

—23

Nays:

Messrs.:

Bonner	Mixon	St. John	Thomas
Dorsey	Parrish	Taylor	Wellborn
Goldsmith			

—9

Mr. Riddle then moved that the Senate re-consider the vote by which it just passed the bill. H. 337, which motion was lost and the Senate refused to re-consider said vote.

RECESS

At 12:55 P. M., on motion of Mr. Dorsey, the Senate took a recess until 3 P. M.

AFTERNOON SESSION—TWENTY-NINTH DAY

Wednesday, February 24th, 1937.

The Senate re-assembled at 2 P. M., President Pro-Tem Riddle presiding.

ROLL CALL

Present:

Messrs.:			
Bonner	Kelly	Riddle	Taylor
Browder	Kuykendall	Rogers	Thomas
Carlton	Mixon	Russell	Tucker
Chesnut	Mooneyham	St. John	Walton
Cook	McConnell	Simpson	Weaver
Dorsey	McDowell	Starnes	Wellborn
Frazer	Parrish	Stephens	Woodall
Goldsmith	Richardson	Stoddard	

—31

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 80. To amend the caption and Sections 2, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16 and 18 and to repeal Sections 21, 22 and 23 of an Act entitled, "An Act to establish a more humane system for caring for the needy aged in the State of Alabama and the several counties thereof by providing for old age pensions; to define the persons entitled thereto, and to provide for the ascertainment and determination of the qualifications of applicants therefor; to further provide for and regulate the payment of pensions under Article I of Chapter 55 of the Code of Alabama of 1923, as amended; to provide for the payment thereof; to make an appropriation for the same; to provide for a lien on the property of certain recipients of old age pensions and to provide for the enforcement thereof, to provide for the administration of such system and to define offenses against this Act and to fix punishment for such offenses; and to provide for cooperation with the Government of the United States and its agencies in caring for the needy aged; and to repeal all laws in conflict herewith," approved September 14, 1935.

S. 81. To repeal an Act entitled, "An Act to amend an Act to establish a more humane system for caring for the needy aged in

the State of Alabama and the several counties thereof by providing for old age pensions; to define the persons entitled thereto, and to provide for the ascertainment and determination of the qualifications of applicants therefor; to further provide for and regulate the payment of pensions under Article 1 of Chapter 55 of the Code of Alabama of 1923, as amended; to provide for the payment thereof; to make an appropriation for the same; to provide for a lien on the property of certain recipients of old age pensions and to provide for the enforcement thereof, to provide for the administration of such system and to define offenses against this Act and to fix punishment for such offenses; and to provide for cooperation with the Government of the United States and its agencies in caring for the needy aged; and to repeal all laws in conflict herewith, Approved April 21, 1936".

Earl Thomas,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

RESOLUTIONS

Mr. Simpson offered the following joint resolution:

S. J. R. 52. BE IT RESOLVED BY THE SENATE, the House concurring, that H. 62 be named and cited as the *Mixon-Hill Law*.

And on motion of Mr. Simpson, the Rules were suspended and the resolution adopted.

Mr. Simpson also offered the following resolution:

S. R. 53. BE IT RESOLVED that the Secretary of the Senate be requested to obtain from the Secretary of State a sufficient number of printed copies of H. B. 179 (Sales Tax) to supply the needs of the members of the Senate.

And on motion of Mr. Simpson, the Rules were suspended and the resolution adopted.

REPORTS OF COMMITTEES

Mr. McDowell, Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Castleberry:

H. 299. To submit to the qualified voters of the State of Alabama, at an election to be held for any other constitutional amendment passed, approved and submitted by this session of this legislature, or on failure to have such special election, then on the First Tuesday in May, 1938, for their consideration, an amendment to the constitution of the state as follows:

"The following counties, namely,—Conecuh County, Escambia County, Monroe County, are and shall be authorized to settle, adjust, and refund, any honest, moral and just obligation or debt of the county now outstanding, whether it is within the debt limit or other limitation of the constitution or laws of Alabama or not, that said just obligations may be settled, adjusted, and refunded, on the best terms possible by the governing body of the county and by the issuance, sale or exchange of interest bearing refunding warrants of the county which refunding warrants may bear interest not exceeding six per centum per annum, payable semi-annually, or annually, as evidenced by coupons annexed; that the payment of said interest bearing refunding warrants may be secured by pledging sufficient revenues, taxes, or income, of the county from whatever source arising under laws now in existence or which may be hereafter enacted; that the issuance of said refunding warrants shall be shown by a record thereof upon the minutes of the county governing body; said refunding warrants and interest coupons when so issued shall be lawful and binding obligations on the county according to their tenor, face and purport; provided, no additional taxes shall be levied and collected for said purpose by said counties; and further provided that no funds coming to said counties for any particular purpose or purposes shall be the subject of pledge hereunder. Warrants hereby authorized may be issued under the provisions of laws now or hereafter in effect authorizing the issuance of refunding warrants by counties in Alabama."

The above bill was read a second time at length as required by the Constitution.

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on

the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hare:

H. 381. To authorize and empower Boards of Revenue in Counties having a population of not less than 47,000 and not more than 57,000 inhabitants according to the Federal Census of 1930, and which may hereafter have such population according to any Federal Census hereafter taken, to expend County funds not exceeding Twelve Hundred (\$1,200.00) Dollars per annum for county purposes not otherwise provided for by law.

By Mr. Henson:

H. 380. To permanently establish the high schools in Washington County, Alabama, as are now located at Leroy, Fruitdale, Millry, and Chatom; to provide for the discontinuance, or consolidation of any one or all of said schools only by a county referendum.

BILLS ON THIRD READING

The bill:

H. 373. To amend Sections 2 and 5 and 6 and 10 of an Act entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled, 'An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system and for other purposes; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of the Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act, "approved September 14, 1935, as

amended by an Act entitled "An Act to amend Section 18 of an Act approved September 14, 1935, and entitled 'An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such fund; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system and for other purposes;" to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states of the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act, to regulate alienation of benefits; to provide penalties for failure to comply with or violation of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act' approved April 21, 1936.

Was read a third time at length and passed.

Yeas, 18; Nays, 1.

Yeas:

Messrs.:

Bonner	Mixon
Browder	Mooneyham
Chesnut	McConnell
Kelly	Riddle
Kuykendall	Rogers

Russell
St. John
Simpson
Tucker

Walton
Weaver
Wellborn
Woodall

—18

Nay: Mr. Parrish.

—1

The bill:

H. 330. To Amend Schedule 106 of Section 348 of an Act Entitled "An Act to provide For the General Revenue of the State of Alabama," Approved July 10th, 1935.

Was taken up.

Mr. Parrish offered the following amendment to the bill, to-wit:

Amend Section 1 of H. 330 by inserting after the word profession in the seventh line thereof the following: "Except chemists,

bacteriologists and roentgenologists employed full-time by physicians and hospitals."

Which was adopted.

Yeas, 21; Nays, 0.

Yeas:

Messrs.:

Bonner	Mooneyham	Russell	Tucker
Browder	McConnell	St. John	Walton
Chesnut	Parrish	Simpson	Weaver
Kelly	Riddle	Stoddard	Wellborn
Kuykendall	Rogers	Taylor	Woodall
Mixon			

—21

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 21; Nays, 0.

Yeas:

Messrs.:

Bonner	Mixon	Rogers	Tucker
Browder	Mooneyham	Russell	Walton
Chesnut	McConnell	St. John	Weaver
Cook	Parrish	Simpson	Wellborn
Kelly	Riddle	Stoddard	Woodall
Kuykendall			

—21

Nays:—None.

The bill:

H. 260. To provide that the State Department of Public Welfare shall perform all duties incident to the payment of pensions to those persons entitled thereto under the provisions of Chapter 55, Article 1 of the Code of Alabama of 1923 as amended; and to provide that the County Department of Public Welfare shall perform all duties incident to the receipt and delivery of such pensions; and to require the State Auditor to furnish the State Department of Public Welfare with proper certification of all persons eligible for pension under the provisions of Chapter 55, Article 1 of the Code of Alabama of 1923 as amended.

Was read a third time at length and passed.

Yeas, 21; Nays, 0.

Yeas:

Messrs.:

Bonner	McConnell	St. John	Tucker
Browder	Parrish	Simpson	Walton
Cook	Riddle	Starnes	Weaver
Kelly	Rogers	Stoddard	Wellborn
Mixon	Russell	Taylor	Woodall
Mooneyham			

—21

Nays:—None.

The bill:

H. 184. To make an appropriation to the State Department of Public Welfare for aid to the needy aged, to needy dependent and neglected children, and to the blind and otherwise handicapped needy persons, and to provide for the expenditure of such funds.

Was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the bill, to-wit:

Amend Section 1 of House Bill 184 by striking from lines 2 and 3 thereof the words and figures: "Three Hundred and Seventy-five Thousand Dollars (\$375,000.00) and insert in lieu thereof the words and figures "Two Hundred Fifty Thousand Dollars (\$250,000.00) or so much thereof as in the opinion of the Governor the condition of the Treasury will warrant.

Amend Section 1 of House Bill 184 by striking from line 5 of said section the words "May be necessary" where they appear together therein and insert in lieu thereof the following: "in the opinion of the Governor the condition of the Treasury will warrant."

Which was adopted.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Bonner	Mixon
Browder	Mooneyham
Chesnut	McConnell
Cook	Parrish
Kelly	Riddle
Kuykendall	Rogers

Russell
St. John
Simpson
Starnes
Stoddard
Taylor

Tucker
Walton
Weaver
Wellborn
Woodall

—23

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:

Bonner	Mixon
Browder	Mooneyham
Chesnut	McConnell
Cook	Parrish
Goldsmith	Riddle
Kelly	Rogers
Kuykendall	

Russell
St. John
Simpson
Starnes
Stephens
Stoddard

Taylor
Tucker
Walton
Weaver
Wellborn
Woodall

—25

Nays:—None.

The bill:

H. 266. To amend Section 2 of Act No. 546 of the Legislature of 1935, entitled "An Act to create a Board to be known as 'State Board of Adjustment'; to name its personnel, to define its duties and powers and to authorize said Board to certify its findings to the Comptroller for the payment of its awards, decrees and findings out of the fund herein provided for; to provide the basis of awards and decrees and to make appropriation therefor," approved September 14, 1935.

Was taken up.

The Standing Committee on Revision of Laws reported the following amendment to the bill, to-wit:

Amend H. 266 by inserting immediately after the words "BE IT ENACTED BY THE LEGISLATURE OF ALABAMA;" the following words and figures: "Section 1."

Further amend H. 266 by inserting after the words and figures "September 14, 1935" where they appear in the third line on the third page thereof and before the ";," appearing immediately thereafter, the following: ", unless the same are presented to the Board within ninety days after the passage and approval of this Act."

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Russell	Taylor
Browder	Mixon	St. John	Tucker
Chesnut	Mooneyham	Simpson	Walton
Cook	McConnell	Starnes	Weaver
Dorsey	Parrish	Stephens	Wellborn
Goldsmith	Riddle	Stoddard	Woodall
Kelly	Rogers		

—26

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers	Taylor
Browder	Mixon	St. John	Tucker
Chesnut	Mooneyham	Simpson	Walton
Cook	McConnell	Starnes	Weaver
Dorsey	McDowell	Stephens	Wellborn
Kelly	Riddle	Stoddard	Woodall

—24

Nays:—None.

The bill:

H. 167. To amend Schedule 158.21 of Article XIII, Chapter 6 of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

Was read a third time at length and passed.

Yeas, 20; Nays, 7.

Yeas:

Messrs.:

Bonner	Frazer	McConnell	St. John
Browder	Kelly	McDowell	Stephens
Chesnut	Kuykendall	Richardson	Stoddard
Cook	Mixon	Riddle	Wellborn
Dorsey	Mooneyham	Rogers	Woodall

—20

Nays:

Messrs.:

Parrish	Starnes	Tucker	Weaver
Simpson	Taylor	Walton	

—7

The bill:

H. 168. To amend Schedule 158.22 of Article XIII, Chapter 6 of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

Was read a third time at length and passed.

Yeas, 20; Nays, 7.

Yeas:

Messrs.:

Bonner	Kelly	McDowell	Starnes
Browder	Kuykendall	Richardson	Stephens
Chesnut	Mixon	Riddle	Stoddard
Cook	Mooneyham	Rogers	Wellborn
Frazer	McConnell	Russell	Woodall

—20

Nays:

Messrs.:

Goldsmith	Simpson	Tucker	Weaver
Parrish	Taylor	Walton	

—7

The bill:

H. 162. To provide for devices and to designate places for taking shad and/or river minnows for bait fishing.

Was taken up.

Mr. Woodall offered the following amendment to the bill, to-wit:

Amend Section I of the House Bill No. 162 by adding thereto the following:

Provided however, nothing herein contained shall be construed to permit the use of such seine or seines for a distance of more than one quarter of a mile below any such lake or dam on any navigable river in this State.

Which was adopted.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Parrish	Stephens
Browder	Kuykendall	Richardson	Taylor
Chesnut	Locke	Riddle	Thomas
Cook	Mixon	Rogers	Walton
Dorsey	Mooneyham	Russell	Weaver
Frazer	McConnell	St. John	Wellborn
Goldsmith	McDowell	Simpson	Woodall

—28

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26; Nays, 2.

Yeas:

Messrs.:

Bonner	Kuykendall	Riddle	Stoddard
Browder	Mixon	Rogers	Thomas
Chesnut	Mooneyham	Russell	Tucker
Cook	McConnell	St. John	Weaver
Dorsey	McDowell	Simpson	Wellborn
Frazer	Parrish	Stephens	Woodall
Goldsmith	Richardson		

—26

Nays: Messrs. Taylor and Walton.

—2

The bill:

H. 62. To provide for the disposition of all fines and penalties arising out of the violation of the provisions of Chapter 142 of the 1923 Code of Alabama.

Was taken up.

Mr. Woodall offered the following amendment to the bill, to-wit:

Amend Sec 1 of House bill No. 62 by adding thereto the following words and figures:

"Provided however, in no case shall the amount paid to the informant or party making the affidavit as to the commission of any offense embraced in said Chapter exceed the sum of twenty five Dollars."

Which was adopted.

Yeas, 24; Nays, 6.

Yeas:

Messrs.:

Bonner	Kelly	Richardson	Taylor
Chesnut	Mixon	Riddle	Thomas
Cook	Mooneyham	Rogers	Tucker
Dorsey	McConnell	Russell	Weaver
Frazer	McDowell	Stephens	Wellborn
Goldsmith	Parrish	Stoddard	Woodall

—24

Nays:

Messrs.:

Browder	St. John	Starnes	Walton
Kuykendall	Simpson		

—6

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 21; Nays, 9.

Yeas:

Messrs.:

Browder	Mooneyham	Simpson	Tucker
Chesnut	McConnell	Starnes	Walton
Cook	Parrish	Stephens	Weaver
Dorsey	Riddle	Stoddard	Wellborn
Kelly	St. John	Thomas	Woodall
Mixon			

—21

Nays:

Messrs.:

Bonner	Kuykendall	Richardson	Russell
Frazer	McDowell	Rogers	Taylor
Goldsmith			

—9

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 124. To amend Section 20 of an Act entitled, "An Act to provide for the promotion, encouragement, development and regulation of air navigation, air navigation aids and facilities, airmen and aircraft; to provide for the survey, location, mapping and development of State Airways and Airway Facilities; to provide for the registration and issuance of permits to operators, aircraft and airmen, suspension and revocation of such permits; to provide for the encouragement of the location in the State of Aeronautical industries; to create a commission for the administration of this Act and for the enforcement of the laws of the State of Alabama and of the rules and regulations established by said Commission; to define and describe the powers, duties, responsibilities and privi-

leges of said Commission; and to make an appropriation for the purpose of this Act", approved September 13, 1935.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 54. To provide for State registration of Medical Technicians.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 75. To amend Schedule 22 of Section 348, Article XIII, Chapter 1, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935, by adding thereto Schedule 22-B,

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 140. To amend Section 989 of the Code of Alabama of 1923.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate joint resolution:

By Mr. Simpson:

S. J. R. 52. Relative to calling H. B. 62 the Mixon-Hill Law.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendments to the following House bills:

H. 317. To authorize the payment of the per diem and mileage of the members of the Court of County Commissioners of Fayette County, Alabama out of the excise gas tax fund of the county when engaged in inspecting, accepting, building, repairing or maintaining public roads or bridges in said county; and to repeal all laws and parts of laws, general, special, private and local in conflict with the provisions of this Act.

Also:

H. 183. To further conserve, protect and develop oysters on the bottoms within the boundaries of the State of Alabama, to prohibit dredging except under regulation of the Alabama Oyster Commission, to regulate the size of container used in measuring a barrel of oysters, to fix a uniform tax on oysters, to provide for license for dredging oysters and method for collecting tax on oysters harvested and disposition of same, to authorize the Alabama Oyster Commission to open and close reefs and planted oyster bottoms when in their opinion necessity requires it; to require and provide for licenses for persons, firms, corporations or associations to engage in the business of packing, canning, processing or dealing in oysters or transporting oysters; to require and provide licenses for brokers, dealers, commission men, hucksters or other persons, firms, corporations or associations who wholesale or retail oysters; to authorize the Alabama Oyster Commission to regulate the time, manner and means for shipping or transporting oysters and shrimp beyond the boundaries of the State of Alabama; to regulate the time, manner and means for planting oysters or oyster shells; to further provide for the duties of oyster inspectors and other employees of the Alabama Oyster Commission; by regulation to protect oyster bottom lessees in their rights as such lessees; to make it unlawful to resist arrest for violation of the provisions of this Act or any regulation based thereunder or to refuse any inspection of premises where oysters or other seafoods are kept or stored or to conspire or agree with any person, firm, cor-

poration or association to evade any of the provisions of this Act or regulations based thereunder or any laws heretofore or hereafter enacted or the regulations based thereunder; to make it unlawful to remove or destroy any bouy, stake or other marker authorized to be set or placed by the Alabama Oyster Commission; to make it unlawful to take, catch or attempt to take or catch oysters or shrimp by the use of any unlicensed boat; to make it unlawful for any person, firm, corporation or association to buy or sell oysters or shimp taken by means of an unlicensed boat or unlicensed tonger or unlicensed dredge; to provide for minimum size of oyster or shrimp which may be taken, bought or sold for commercial purposes; to provide license for trucks or other motor-driven vehicles used in transporting oysters for commercial purposes; to provide for keeping records of all oysters or shrimp transported to market and provide for inspection of such record; to provide that before shrimp which have been taken or caught in waters of this State or from the waters within the territorial jurisdiction of the State may be carried or transported out of the State, same shall be brought to a port of entry designated by the Alabama Oyster Commission and then and there the tax provided by law shall be paid; to provide for a tax on shrimp which are carried out of the State; and to provide how same may be taken or transported beyond the boundaries of the State; to provide that a violation of any of the provisions of this Act or regulations based thereunder shall be a misdemeanor; and to provide for penalties for violation of same; and to provide for the repeal of all laws in conflict with the provisions of this Act; to determine what shall constitute seafoods; to vest title to all seafoods in the public waters of the State in the State of Alabama until title thereto has been legally divested; to give authority to the Oyster Commission to promulgate regulations relating to any and all seafoods which shall have the force and effect of law; to empower the Chief Enforcement Officer and the oyster inspectors to enforce all laws and regulations relating to the seafood industry; to require the captain of licensed boats to assist in making arrests for violation of laws and regulations relating to the seafood industry; to authorize the Oyster Commission to provide the necessary patrol boats and appoint deputy inspectors for such boats; to make it unlawful to catch, take or have oysters in possession at certain times of the year; to authorize the Commission to close the oyster season earlier than the first of May and open same later than the first of September when deemed necessary for the conservation and protection of oysters; to provide for proper culling of oysters; to provide for lessees of oyster bottoms to take uncultured oysters for planting purposes; to provide for the cultivation and development of oyster beds during the closed season; to provide restrictions for taking oysters

from newly planted beds; to prohibit the taking or catching of oysters by any means between sunset and sunrise; to provide for licensing of all boats before beginning operation in the taking of oysters, shrimp or other seafoods; to authorize the Commission to have printed signs, words and/or numbers and require same to be posted on licensed boats; to provide privilege taxes and require same to be paid by factories or other establishments before they pack, can or process oysters or shrimp and on raw oyster shippers; to authorize the Commission to make agreements with other States relating to the catching and/or transporting of oysters from or into the State of Alabama for planting for commercial purposes.

Also:

H. 46. To amend Schedule 12 of Section 348 of Chapter 1 of Article XIII of a bill approved July 10, 1935, and entitled, "An Act to provide for the general revenue of the State of Alabama."

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the following bill:

S. 109. To provide that in all counties in the State of Alabama with a population of not less than 20,100, nor more than 20,500, according to the last or any subsequent Federal Census, the per diem and mileage and any and all other compensation which is now provided or may hereafter be provided by law for the members of the Commissioners Court, Board of Revenue or like governing body, shall be paid out of the proceeds of the gasoline excise tax fund accruing to the respective counties from the State of Alabama while the members of said bodies are engaged in the performance of their duties in connection with the supervision, construction, maintenance and/or repair of the public roads and/or bridges in their respective counties; to provide that nothing herein contained shall be construed as changing the per diem and mileage, or any and all other compensation which is now provided, or which may hereafter be provided by law for the members of said bodies in said counties; to repeal all laws and parts of laws, general, special and local in conflict herewith; and to provide for the effective date of this Act.

By a vote of a majority of the whole number elected to the House; said vote being: Yeas, 66; Nays, 0.

And said bill, S. 109, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House; said vote being: Yeas, 66; Nays, 0.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bill:

S. 33. To appropriate the sum of one hundred and fifty thousand dollars (\$150,000), from the treasury of the State of Alabama; to designate the purpose of and to whom said appropriation shall be made; and to provide when same shall be paid and how the same shall be expended.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Browder, the Senate concurred in the following amendment by the House to the bill, S. 33, the title of which is set out in the foregoing Message from the House, to-wit:

Amend Senate Bill 33 by amending Section 3 by striking out the figure "3" and substituting the figure "2" where the same appears in said Section 3.

Amend Senate Bill 33 by adding at the end thereof the following:

Section 6. Said appropriation shall be available only when in the opinion of the Governor the condition of the treasury will permit, and shall be paid out only upon the approval of the Governor.

Yeas, 21; Nays, 7.

Yeas:

Messrs.:

Browder
Chesnut
Cook
Goldsmith
Kelly
Kuykendall

Mixon
Mooneyham
Parrish
Richardson
Riddle

St. John
Starnes
Stephens
Taylor
Thomas

Tucker
Walton
Weaver
Wellborn
Woodall

Nays:
Messrs.:
Bonner
Dorsey

Frazer
McDowell

Rogers
Russell

Simpson

—7

MESSAGE FROM THE HOUSE

Mr. President:

The House accedes to the request of the Senate for a Committee of Conference on the disagreement of the two Houses on the House amendment to the following Senate bill:

S. 136. To provide for an increase in the salaries of firemen and policemen in incorporated cities of the State of Alabama now or hereafter subject to or governed by a commission created or elected under and by authority of the General Act of Alabama of 1911 page 330 by setting aside or appropriating for such purpose one-third of the monies, or so much thereof as may be required, derived by each such city under the terms of the Alcoholic Beverage Control Act of this state, and to fix the method by which the salaries of policemen and firemen may be increased.

And the Speaker of the House has appointed as conferees on the part of the House Messrs. McDermott, Taylor and DeVane.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House joint resolution:

By Mr. Connor:

H. J. R. 189. Resolved that S. B. 124 Walton be known as the Walton-Chichester Bill.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Mooneyham, the Senate concurred in and adopted the resolution, H. J. R. 189, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 67. To amend sub-section 11 of Section 303 of the Code of Alabama of 1923.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 68. To amend sub-section 13 of Section 303 of the Code of Alabama of 1923.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bill:

S. 45. To provide for and regulate the issuance and dissolution of an injunction for failure to pay in full as due all municipal privilege license or excise tax and to provide remedies for collecting the same; to provide for an appeal; to make this remedy cumulative; and to provide when this act shall become effective.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Browder, the Senate concurred in the following amendment by the House to the bill, S. 45, the title of which is set out in the foregoing Message from the House, to-wit:

Amend Senate Bill No. 45 as follows:

Strike from Section 1 thereof the following sentence: "The verification may be made on information and belief."

Change Section 2 thereof to read as follows:

Section 2. INJUNCTIVE RELIEF.

Upon the filing and presentation of a bill of petition as herein authorized, it shall be the duty of the court to set a day for the hearing of said cause upon not less than ten nor more than fifteen days notice thereof to be given the respondents; said notice to be in such form as the court may direct and at such hearing upon reasonable cause, to grant a temporary injunction restraining the respondents from further operation or conduct of said business, occupation, trade, or profession, and no bond shall be required of the complainant as a condition thereto. The court shall not grant a temporary injunction unless it has reasonable cause to believe that the respondent owes a debt to the complainant for privilege license or excise tax. The court shall, upon final hearing, if the proof be sufficient, grant a permanent injunction restraining the respondent as herein directed to be done by a temporary injunction. Such injunctions may be dissolved in the manner herein provided.

Change Section 5 of said bill to read as follows:

Section 5. BOND TO DISSOLVE INJUNCTION.

When the court has granted a temporary injunction, it shall not be dissolved until respondents have executed a bond in an amount fixed by the Court with sufficient surety to be approved by the Register, containing a waiver of exemptions as to personal property, conditioned to pay such judgment and lawful court costs as the Court upon final hearing may render against the respondent. The bond required to be made in this section shall remain in full force and effect as security for any judgment and court costs the court may render and tax against the respondent, but if the respondent takes an appeal and gives a supersedeas bond, upon affirmance of said appeal, the dissolution bond provided by this section shall become null and void.

Yeas, 25; Nays, 2.

Yeas:

Messrs.:

Bonner

Browder

Chesnut

Cook

Dorsey

Goldsmith

Kuykendall

Mixon

Mooneyham

McConnell

McDowell

Parish

Richardson

Riddle

Russell

St. John

Simpson

Stephens

Taylor

Thomas

Tucker

Walton

Weaver

Wellborn

Woodall

—25

Nays: Messrs. Frazer and Starnes.

—2

MESSAGE FROM THE HOUSE

Mr President:

The House has amended as therein shown and as amended has passed the following Senate bill:

S. 126. To empower Boards of Education in Counties, where the maximum salary of the Superintendent of Education is prescribed by law, to fix, approve, and authorize the payment of the traveling expenses incurred by the Superintendent in the performance of his official duties within the county and the expenses incurred by him when his official duties require him to go outside of the County; to require Superintendents of Education to prepare and file on forms to be prescribed by the State Board of Education a certified itemized statement of the expenses incurred; and to provide that the payment of the expenses hereby authorized shall not constitute a part of the official salary of such Superintendents.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Stoddard, the Senate concurred in the following amendment by the House to the bill, S. 126, the title of which is set out in the foregoing Message from the House, to-wit:

Amend Senate Bill No. 126 by adding the following Section to said bill to read as follows:

Section 6. Provided, however, this Act does not repeal or invalidate any General Act on the subject which has local application based on a County population basis.

Amend S. B. 126 by adding to Section 3 thereof the following: The provisions of this act shall not apply to Superintendents of Education whose salaries amount to three thousand dollars per annum or more nor to any Superintendents of Education who receive expenses under local acts heretofore passed by the Legislature of Alabama.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall
Browder	Mixon
Chesnut	Mooneyham
Cook	McConnell
Dorsey	McDowell
Goldsmith	Parrish
Kelly	Richardson

Riddle
Rogers
Russell
St. John
Simpson
Starnes

Stephens
Stoddard
Walton
Weaver
Wellborn
Woodall

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 32. To appropriate the sum of three hundred fifty thousand dollars (\$350,000), from the treasury of the State of Alabama; to designate the purpose of and to whom said appropriation shall be made; and to provide when same shall be paid and how the same shall be expended.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendments to the following House bills:

H. 330. To Amend Schedule 106 of Section 348 of an Act Entitled "An Act to provide For the General Revenue of the State of Alabama," Approved July 10th, 1935.

Also:

H. 184. To make an appropriation to the State Department of Public Welfare for aid to the needy aged, to needy dependent and neglected children, and to the blind and otherwise handicapped needy persons, and to provide for the expenditure of such funds.

Also:

H. 266. To amend Section 2 of Act No. 546 of the Legislature of 1935, entitled "An Act to create a Board to be known as 'State Board of Adjustment; to name its personnel, to define its duties and powers and to authorize said Board to certify its findings to the Comptroller for the payment of its awards, decrees and findings out of the fund herein provided for; to provide the basis of awards and decrees and to make appropriation therefor," approved September 14, 1935.

Also:

H. 62. To provide for the disposition of all fines and penalties arising out of the violation of the provisions of Chapter 142 of the 1923 Code of Alabama.

Also:

H. 162. To provide for devices and to designate places for taking shad and/or river minnows for bait fishing.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 337. To fix the salaries and compensation of the Chief Justice and Associate Justices of the Supreme Court; The Judges of the Court of Appeals and the Judges of the several Circuit Courts of the State; to provide how same shall be payable; and to provide for the repeal of all laws and parts of laws in conflict with this Act; to provide when the provisions of this Act shall become effective.

Also:

H. 248. To amend Section 21 of the Code of Alabama of 1923.

Also:

H. 129. To exempt from taxation lands in the purchase of which any municipality has invested, or may hereafter invest, money pursuant to the terms of a lease sale contract or option agreement.

Also:

H. 272. To further provide revenue for fish protection, propagation and distribution. To provide for license for fishing with rod and reel and with artificial bait. To provide for the issuance of said license and to whom issued. To provide for penalties for violation of the provisions of this Act and for other purposes.

Also:

H. 325. To create and establish the Calhoun County Court; to define its jurisdiction and powers; to vest it with the powers and jurisdiction heretofore exercised by the Court of Common Pleas of Calhoun County; to provide for the transfer of the cases from the dockets of the Court of Common Pleas to the Calhoun County Court; to abolish the Court of Common Pleas; to abolish the office of justice of the peace in Precincts 15 and 20; to provide for the officers of said court, their powers, duties, tenure and compensation; to prescribe rules of procedure for said court; and to pro-

vide for the execution of the process of said court and the operation thereof.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

BILLS ON THIRD READING RESUMED

The bill:

H. 109. To further regulate and provide for pensions to be paid to the Widows of Confederate Soldiers and Sailors.

Was taken up.

Mr. Riddle offered the following amendment to the bill, to-wit:

Amend Section 1 of House Bill No. 109 so that the same shall read as follows:

Section 1. That there shall be hereafter paid from the State Treasury, out of the one-mill soldiers tax to widows of Confederate soldiers and sailors, whose names are now or hereafter placed on the pension rolls of this State under existing laws, of the first class, as now provided by law, the sum of ninety dollars (\$90.00) to each widow for each and every quarter of each fiscal year, and the sum of sixty dollars (\$60.00) to each widow of the second class, as now provided by law, for each and every quarter of each fiscal year, and the sum of sixty dollars per quarter to each widow of the third class, as now provided by law, for each widow for each and every quarter of each fiscal year; said payments to be made on warrants issued as now provided by law for the issuance of pension warrants to confederate soldiers and sailors and their widows.

Which was adopted.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner
Browder
Chesnut

Cook
Dorsey
Frazer

Goldsmith
Kelly
Kuykendall

Mixon
Mooneyham
McConnell

McDowell	Russell	Stephens	Walton
Parrish	St. John	Taylor	Weaver
Richardson	Simpson	Thomas	Wellborn
Riddle	Starnes	Tucker	Woodall
Rogers			

—29

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Riddle	Taylor
Browder	Mixon	Rogers	Thomas
Chesnut	Mooneyham	Russell	Tucker
Cook	McConnell	St. John	Walton
Dorsey	McDowell	Simpson	Weaver
Frazier	Parrish	Starnes	Wellborn
Goldsmith	Richardson	Stephens	Woodall
Kelly			

—29

Nays:—None.

The bill:

H. 40. To Amend Section 348 of Article XIII, Chapter 1, of an Act entitled "An Act to Provide for the General Revenue of the State of Alabama," Approved July 10, 1935.

Was read a third time at length and passed.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:

Bonner	Mixon	Riddle	Taylor
Browder	Mooneyham	Russell	Tucker
Chesnut	McConnell	St. John	Walton
Cook	McDowell	Simpson	Weaver
Dorsey	Parrish	Starnes	Wellborn
Kelly	Richardson	Stephens	Woodall
Kuykendall			

—25

Nays:—None.

The bill:

H. 253. To further regulate and define the duties of the Court of County Commissioners as the present governing body of Jackson County and fix the monthly salary of each member at Seventy five Dollars (\$75.00) per month and fix their duties to make the Judge of Probate the ex-officio chairman of the said Board of Revenue to serve without pay except as now provided by the law and to require that all purchases made by the County amounting to more than One Hundred Dollars (\$100.00) except for repair parts on tractors and graders shall be bought under competitive

bidding, to require that a system of accounting shall be adopted and a bookkeeper for the County Court of Commissioners be appointed by the Commissioners to fix his duties. His salary shall not exceed Nine Hundred Dollars (\$900.00) per annum, to provide that all salaries, including the members of the Commissioners and the County bookkeeper shall be paid out of the Gasoline fund of Jackson County, to require that all payrolls must be itemized and presented to the County bookkeeper who shall keep a copy thereof and the County bookkeeper shall prepare an individual check for payment of each employee of the County, to require that said check shall be signed by the Judge of Probate in his capacity as ex-officio chairman of the Board of Revenue, to require that such itemized payroll shall be subject to approval of the Board of Revenue.

Was taken up.

Mr. Browder offered the following substitute for the bill, to-wit:

A BILL

To be entitled An Act to further regulate and define the duties of the Court of County Commissioners as the present governing body of Jackson County and fix the monthly salary of each member at eighty-five dollars (\$85.00) and fix their duties; to make the Judge of Probate the ex-officio chairman of the said Court of Commissioners to serve without pay except as now provided by the law and to require that all purchases made by the county amounting to more than one hundred dollars (\$100.00) except for repair parts on tractors and graders shall be bought under competitive bidding; to require that a system of accounting shall be adopted and a bookkeeper for said Court of Commissioners be appointed by the Court; to fix his duties and provide a salary not exceeding seventy-five dollars (\$75.00) per month; to provide that salaries of Commissioners and bookkeeper shall be paid from the General Fund and/or the special county three cent gasoline tax fund; to require that all payrolls must be itemized and presented to the county bookkeeper who shall keep a record thereof, such payroll to be subject to the approval of the entire Court of Commissioners; to provide that an individual check for each employee of the county be prepared by the bookkeeper and signed by the Judge of Probate in his capacity as ex-officio Chairman.

Be it enacted by the Legislature of Alabama:

Section 1. That the present Court of County Commissioners of Jackson County shall receive a monthly salary of eighty-five dollars (\$85.00) and the Jackson County Judge of Probate shall

serve as ex-officio chairman of the Court of Commissioners without pay for his services except as now provided by law. Each Commissioner shall give his full time to his duties as Foreman or Superintendent of Construction and Maintenance in the County.

Section 2. All materials, supplies or other purchases made by the County which amount to more than one hundred dollars (\$100.00) except for repair parts for tractors and graders shall be made in the following manner: Requisition for the purchase shall first be made to the entire Court of Commissioners for approval. If the Court approves the purchase, the bookkeeper shall secure bids on the same, not less than three in number, and the purchase order shall be awarded to the party making the lowest and best bid. If the machinery, equipment, supplies, or materials, and work or labor to be purchased or contracted for is an emergency and costs less than one hundred dollars (\$100.00) the same may be purchased or contracted for to the best advantage by any member of the Court of Commissioners without first securing the approval of the Court of Commissioners or the taking of bids, provided however, that such emergency contracts or purchases must be reported by said member in writing and in detail within seven days thereafter and that confirmatory requisition for all such purchases must be presented to the Court of Commissioners for its approval at the next meeting following the purchase, and failing to obtain such approval it shall not constitute an obligation on the County. Any purchase made by any member or minority of members of the Court of Commissioners in any manner other than that provided herein shall constitute an invalid and an illegal claim against the County and the County cannot be required to pay the same.

Section 3. A uniform system of accounting and bookkeeping shall be adopted and a full time bookkeeper shall be employed. This bookkeeper shall be appointed by the Court of Commissioners and shall receive a salary of not to exceed seventy-five dollars (\$75.00) per month. The duties of this bookkeeper shall be to keep a record of all funds and transactions of the County and the Court of Commissioners and shall keep an itemized statement of all expenditures of the County as well as itemized payrolls which shall show all employees of the County and shall do and perform all those regular duties of a bookkeeper.

Section 4. All salaries of members of the Court of Commissioners and the bookkeeper shall be paid from the General Fund and/or the special County gasoline tax fund.

Section 5. All payrolls, bills and accounts to be paid by Jackson County must be presented in itemized form to the Court of Commissioners for their approval and if approved shall be transferred to the bookkeeper who shall keep a record thereof and who shall prepare individual checks for each employee listed thereon,

which said checks shall be signed by the Judge of Probate as ex-officio Chairman of the Court.

Section 6. All materials or road equipment bought by bids or otherwise for more than one thousand dollars (\$1,000.00) shall be by unanimous vote of all the members of the Court of Commissioners and how each voted shall be entered on the minutes of the Court.

Section 7. It shall be the duty of the Court of County Commissioners to salvage all material and equipment that has become obsolete or useless for service. Each Commissioner shall be diligent in providing a safe place for all road equipment or machinery not in use and take all precautions against trucks, tractors, and motors of all kind from freezing.

Section 8. Violation of the provisions of this act shall be grounds for removal from office.

Section 9. All laws, general, special or local in conflict with this act are hereby repealed.

Section 10. This Act shall become effective March 1, 1937.

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Taylor
Browder	Kuykendall	St. John	Tucker
Carlton	Mixon	Simpson	Walton
Chesnut	Mooneyham	Starnes	Weaver
Dorsey	McConnell	Stephens	Wellborn
Frazer	McDowell	Stoddard	Woodall
Goldsmith	Rogers		

—26

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Taylor
Browder	Kuykendall	St. John	Tucker
Carlton	Mixon	Simpson	Walton
Chesnut	Mooneyham	Starnes	Weaver
Dorsey	McConnell	Stephens	Wellborn
Frazer	McDowell	Stoddard	Woodall
Goldsmith	Rogers		

—26

Nays:—None.

The bill:

H. 105. To amend Section 11 of An Act of the Legislature approved September 2, 1935, entitled "An Act to provide for the pub-

lic safety; to regulate the operation of motor vehicles on the public highways; to provide for the registration and licensing of drivers or operators of motor vehicles and to fix the fees therefor; to authorize the State Highway Commission with the approval of the Governor to establish and promulgate reasonable rules and regulations concerning the operation of motor vehicles; to provide punishment and penalties for the violation of the provisions of this Act and of the rules and regulations authorized hereby; to provide for the suspension and revocation of drivers' licenses issued; to authorize the appointment or employment of the necessary officers and agents, and the purchase of the necessary equipment to make the provisions hereof effective; and to provide for the compensation of the officers and agents so employed." (Acts 1935, Page 756.)

Was read a third time at length and passed.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:

Bonner	Mixon	Riddle	Thomas
Browder	Mooneyham	Simpson	Walton
Chesnut	McConnell	Starnes	Weaver
Cook	McDowell	Stephens	Wellborn
Goldsmith	Parrish	Taylor	Woodall
Kuykendall	Richardson		

—22

Nays:—None.

The bill:

H. 278. To amend Section 6550 of the Code of Alabama of 1923.

Was read a third time at length and passed.

Yeas, 21; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Parrish	Taylor
Browder	Mixon	St. John	Thomas
Chesnut	Mooneyham	Simpson	Walton
Cook	McConnell	Starnes	Weaver
Dorsey	McDowell	Stephens	Wellborn
Goldsmith			

—21

Nays:—None.

The bill:

H. 279. To amend Section 6551 of the Code of Alabama of 1923.

Was read a third time at length and passed.

Yeas, 18; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	St. John	Taylor
Browder	Mixon	Simpson	Thomas
Chesnut	Mooneyham	Starnes	Weaver
Cook	McConnell	Stephens	Wellborn
Goldsmith	Parrish		

—18

Nays:—None.

The bill:

H. 214. To amend Schedule 96 of Section 348, Chapter 1, Article 13 of an Act "to provide for the General Revenue of the State of Alabama" known as House Bill 324, approved July 10, 1935, as amended by House Bill 887 on page 901 of the printed Acts of the Legislature of 1935, and approved September 13, 1935.

Was read a third time at length and passed.

Yeas, 17; Nays, 1.

Yeas:

Messrs.:

Bonner	Kuykendall	St. John	Taylor
Browder	Mixon	Simpson	Thomas
Chesnut	Mooneyham	Starnes	Weaver
Cook	McConnell	Stephens	Wellborn
Goldsmith			

—17

Nay: Mr. Parrish.

—1

The bill:

H. 298. For the relief of The American Workmen, a fraternal insurance society incorporated under the laws of The District of Columbia, and to appropriate for this purpose the sum of \$435.61 out of any money in the State Treasury, not otherwise appropriated, in order to reimburse the said The American Workmen for the above sum paid by The American Workmen under protest by check to the State Treasury through the Superintendent of Insurance in accordance with Section 8505 of the Code of Alabama which Section was subsequently declared unconstitutional by State Vs. Praetorians 226 Alabama 259, 146 So. 411.

Was read a third time at length and passed.

Yeas, 18; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	St. John	Taylor
Browder	Mixon	Simpson	Thomas
Chesnut	Mooneyham	Starnes	Weaver
Cook	McConnell	Stephens	Wellborn
Goldsmith	Parrish		

—18

Nays:—None.

The bill:

H. 271. To provide that in computing the net income of credit unions for purposes of the excise tax levied by Article XII, Chapter 1, of an Act entitled "To provide for the General Revenue of the State of Alabama", approved July 10, 1935, there shall in addition to all other deductions provided by law, be deducted the amount paid out as dividends on the withdrawable shares thereof.

Was read a third time at length and passed.

Yeas, 18; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	St. John	Taylor
Browder	Mixon	Simpson	Thomas
Chesnut	Mooneyham	Starnes	Weaver
Cook	McConnell	Stephens	Wellborn
Goldsmith	Parrish		

—18

Nays:—None.

The bill:

H. 161. To amend Section 7 of an Act of the Legislature entitled "an act to regulate the sale, transfer and possession of certain types of firearms; to provide for the licensing of dealers and owners of such firearms; to fix rules of evidence in the courts of this state in prosecutions for violation of this act; to prescribe penalties for the violation of any provision herein and to make uniform the law with reference thereto," approved April 6th, 1936.

Was taken up.

The Standing Committee on Judiciary reported the following amendment to the bill, to-wit:

Amend the title by inserting just after the words "Section 7" where same appear therein, the additional words: "And Section 9."

Insert just after the words, "Be it enacted by the Legislature of Alabama" the words: "Section 1."

Add at the end thereof the following: "Section 2. That Section 9 of said Act be amended so as to read as follows:

Section 9. SALES REGULATED. No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, make, model, and manufacturer's number of the pistol to be purchased

and a statement that he has never been convicted in this State or elsewhere of a crime of violence. The seller shall within six hours after such application, sign and attach his address and forward by registered mail one copy of such statement to the chief of police of the municipality or the sheriff of the county of which the seller is a resident; the duplicate duly signed by the seller shall within seven days be sent by him with his address to the Secretary of State; the triplicate he shall retain for six years. This section shall not apply to sales at wholesale, nor to the pawning or pledging of a pistol by the owner thereof to a pawnbroker licensed by the State and by the municipality in which he does business."

Which was adopted.

Yeas, 17; Nays, 1.

Yeas:

Messrs.:

Bonner	Kuykendall	Parrish	Taylor	
Browder	Mixon	St. John	Thomas	
Chesnut	Mooneyham	Simpson	Weaver	
Cook	McConnell	Stephens	Wellborn	
Goldsmith				—17

Nay: Mr. Starnes.

—1

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 17; Nays, 1.

Yeas:

Messrs.:

Bonner	Kuykendall	Parrish	Taylor	
Browder	Mixon	St. John	Thomas	
Chesnut	Mooneyham	Simpson	Weaver	
Cook	McConnell	Stephens	Wellborn	
Goldsmith				—17

Nay: Mr. Starnes.

—1

The bill:

H. 283. To amend Subdivision (m) of Section 2 of Article 1 of an Act entitled "An Act To Provide For The General Revenue Of The State Of Alabama", approved July 10, 1935.

Was read a third time at length and passed.

Yeas, 18; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	St. John	Taylor	
Browder	Mixon	Simpson	Thomas	
Chesnut	Mooneyham	Starnes	Weaver	
Cook	McConnell	Stephens	Wellborn	
Goldsmith	Parrish			—18

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bill:

S. 83. To prevent the use of revenue, less the cost of collection, obtained from taxes on gasoline, lubricating oil, naphtha, and other liquid motor fuels or any device or substitute therefor, commonly used in internal combustion engines as is provided for in Schedule 156.1 of House Bill 324, Approved July 10, 1935, for any purposes other than for the construction, improvement, and maintenance and supervision of highways and bridges and streets, including the retirement of bonds for the payment of which such revenues have been pledged, and for no other purposes.

And returns same herewith to the Senate.

F. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Chesnut, the Senate concurred in the following amendment by the House to the bill, S. 83, the title of which is set out in the foregoing Message from the House, to-wit:

Amend S. B. 83 so as to add to Section 1 thereof the following sentence:

"The payment of the per diem and mileage of members of County governing bodies when engaged in supervising the construction, improvement and maintenance of highways, bridges and streets shall be construed as 'supervision' under the provisions of this Act."

Amend Senate Bill No. 83 by striking out Section 3 and inserting in lieu thereof Section 3. This act shall go into effect July 1, 1937.

Yeas, 18; Nays, 0.

Yeas:

Messrs.:

Bonner

Browder

Chesnut

Cook

Goldsmith

Kuykendall

Mixon

Mooneyham

McConnell

Parrish

St. John

Simpson

Starnes

Stephens

Taylor

Thomas

Weaver

Wellborn

—18

Nays:—None.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Twenty-ninth Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Ninth Legislative day approved by the Senate.

ADJOURNMENT

At 5:30 P. M., on motion of Mr. Bonner, and in accordance with joint resolution heretofore adopted, the Senate adjourned until Friday, February 26th, 1937, at 10 A. M.

THIRTIETH DAY

Friday, February 26th, 1937.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The Session was opened with prayer by Senator Chesnut of Cherokee County

ROLL CALL

Present:

Messrs.:			
Bonner	Kelly	Richardson	Swift
Browder	Kuykendall	Riddle	Taylor
Carlton	Locke	Rogers	Thomas
Chesnut	Mixon	Russell	Tucker
Cook	Mooneyham	St. John	Walton
Dorsey	McConnell	Starnes	Weaver
Frazer	McDowell	Stephens	Wellborn
Goldsmith	Parrish	Stoddard	Woodall

JOURNAL

On motion of Mr. Tucker the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 54. To provide for State registration of Medical Technicians.

S. 124. To amend Section 20 of an Act entitled, "An Act to provide for the promotion, encouragement, development and regulation of air navigation, air navigation aids and facilities, airmen and aircraft; to provide for the survey, location, mapping and development of State Airways and Airway Facilities; to provide for the registration and issuance of permits to operators, aircraft and airmen, suspension and revocation of such permits; to provide for the encouragement of the location in the State of Aeronautical industries; to create a commission for the administration of this Act and for the enforcement of the laws of the State of Alabama and of the rules and regulations established by said Commission; to define and describe the powers, duties, responsibilities and privileges of said Commission; and to make an appropriation for the purpose of this Act", approved September 13, 1935.

S. 32. To appropriate the sum of three hundred fifty thousand dollars (\$350,000), from the treasury of the State of Alabama: to designate the purpose of and to whom said appropriation shall be made: and to provide when same shall be paid and how the same shall be expended.

S. 33. To appropriate the sum of one hundred and fifty thousand dollars (\$150,000), from the treasury of the State of Alabama; to designate the purpose of and to whom said appropriation shall be made; and to provide when same shall be paid and how the same shall be expended.

S. 45. To provide for and regulate the issuance and dissolution of an injunction for failure to pay in full as due all municipal privilege license or excise tax and to provide remedies for collecting the same; to provide for an appeal; to make this remedy cumulative; and to provide when this act shall become effective.

S. 67. To amend sub-section 11 of Section 303 of the Code of Alabama of 1923.

S. 68. To amend sub-section 13 of Section 303 of the Code of Alabama of 1923.

S. 75. To amend Schedule 22 of Section 348, Article XIII, Chapter 1, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935, Schedule 22B.

S. 83. To prevent the use of revenue less the cost of collection, obtained from taxes on lubricating oil, gasoline, naphtha, and other liquid motor fuels or any device or substitute therefor, commonly used in internal combustion engines as is provided for in Schedule 156.1 of House Bill 324, Approved July 10, 1935, for any purpose other than for the construction improvement and maintenance and supervision of highways and bridges and streets, including the retirement of bonds for the payment of which such revenues have been pledged, and for no other purposes.

S. 109. To provide that in all counties in the State of Alabama with a population of not less than 20,100, nor more than 20,500, according to the last or any subsequent Federal Census, the per diem and mileage and any and all other compensation which is now provided or may hereafter be provided by law for the members of the Commissioners Court, Board of Revenue or like governing body, shall be paid out of the proceeds of the gasoline excise tax fund accruing to the respective counties from the State of Alabama while the members of said bodies are engaged in the performance of their duties in connection with the supervision, construction, maintenance and/or repair of the public roads and/or bridges in their respective counties; to provide that nothing herein contained shall be construed as changing the per diem and mileage, or any and all other compensation which is now provided, or which may hereafter be provided by law for the members of said bodies in said counties; to repeal all laws and parts of laws, general, special and local in conflict herewith; and to provide for the effective date of this Act.

S. 126. To empower Boards of Education in Counties, where the maximum salary of the Superintendent of Education is prescribed by law, to fix, approve and authorize the payment of the traveling expenses incurred by the Superintendent in the performance of his official duties within the county and the expenses incurred by him when his official duties require him to go outside of the County; to require Superintendents of Education to prepare and file on forms to be prescribed by the State Board of Education a certified itemized statement of the expenses incurred; and to

provide that the payment of the expenses hereby authorized shall not constitute a part of the official salary of such Superintendents.

S. 140. To amend Section 989 of the Code of Alabama of 1923.

Earl Thomas,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 40. To Amend Section 348 of Article XIII, Chapter 1, of an Act entitled "An Act to Provide for the General Revenue of the State of Alabama," Approved July 10, 1935.

Also:

H. 46. To amend Schedule 12 of Section 348 of Chapter 1 of Article XIII of a bill approved July 10, 1935, and entitled "An Act to provide for the general revenue of the State of Alabama."

Also:

H. 62. To provide for the disposition of all fines and penalties arising out of the violation of the provisions of Chapter 142 of the 1923 Code of Alabama.

Also:

H. 105. To amend Section 11 of An Act of the Legislature approved September 2, 1935, entitled "An Act to provide for the public safety; to regulate the operation of motor vehicles on the public highways; to provide for the registration and licensing of drivers or operators of motor vehicles and to fix the fees therefor; to authorize the State Highway Commission with the approval of the Governor to establish and promulgate reasonable rules and regu-

lations concerning the operation of motor vehicles; to provide punishment and penalties for the violation of the provisions of this Act and of the rules and regulations authorized hereby; to provide for the suspension and revocation of drivers' licenses issued; to authorize the appointment or employment of the necessary officers and agents, and the purchase of the necessary equipment to make the provisions hereof effective; and to provide for the compensation of the officers and agents so employed". (Acts 1935, Page 756.)

Also:

H. 162. To provide for devices and to designate places for taking shad and/or river minnows for bait fishing.

Also:

H. 167. To amend Schedule 158.21 of Article XIII, Chapter 6 of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

Also:

H. 168. To amend Schedule 158.22 of Article XIII, Chapter 6 of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

Also:

H. 183. To further conserve, protect and develop oysters on the bottoms within the boundaries of the State of Alabama, to prohibit dredging except under regulation of the Alabama Oyster Commission, to regulate the size of container used in measuring a barrel of oysters, to fix a uniform tax on oysters, to provide for license for dredging oysters and method for collecting tax on oysters harvested and disposition of same, to authorize the Alabama Oyster Commission to open and close reefs and planted oyster bottoms when in their opinion necessity requires it; to require and provide for licenses for persons, firms, corporations or associations to engage in the business of packing, canning, processing or dealing in oysters or transporting oysters; to require and provide licenses for brokers, dealers, commission men, hucksters and other persons, firms, corporations or associations who wholesale or retail oysters; to authorize the Alabama Oyster Commission to regulate the time, manner and means for shipping or transporting oysters and shrimp beyond the boundaries of the State of Alabama; to regulate the time, manner and means for planting oysters or oyster shells; to further provide for the duties of oyster inspectors and other employees of the Alabama Oyster Commission; by regulation to protect oyster bottom lessees in their rights as such lessees; to make it unlawful to resist arrest for violation of the pro-

visions of this Act or any regulation based thereunder or to refuse any inspection of premises where oysters or other seafoods are kept or stored or to conspire or agree with any person, firm, corporation or association to evade any of the provisions of this Act or regulations based thereunder or any laws heretofore or hereafter enacted or the regulations based thereunder; to make it unlawful to remove or destroy any bouy, stake or other marker authorized to be set or placed by the Alabama Oyster Commission; to make it unlawful to take, catch or attempt to take or catch oysters or shrimp by the use of any unlicensed boat; to make it unlawful for any person, firm, corporation or association to buy or sell oysters or shrimp taken by means of an unlicensed boat or unlicensed tonger or unlicensed dredge; to provide for minimum size of oysters or shrimp which may be taken, bought or sold for commercial purposes; to provide license for trucks or other motor-driven vehicles used in transporting oysters for commercial purposes; to provide for keeping records of all oysters or shrimp transported to market and provide for inspection of such record; to provide that before shrimp which has been taken or caught in waters of this State or from the waters within the territorial jurisdiction of the State may be carried or transported out of the State, same shall be brought to a port of entry designated by the Alabama Oyster Commission and then and there the tax provided by law shall be paid; to provide for a tax on shrimp which are carried out of the State; and to provide how same may be taken or transported beyond the boundaries of the State; to provide that a violation of any of the provisions of this Act or regulations based thereunder shall be a misdemeanor; and to provide for penalties for violation of same; and to provide for the repeal of all laws in conflict with the provisions of this Act; to determine what shall constitute seafoods; to vest title to all seafoods in the public waters of the State in the State of Alabama until title thereto has been legally divested; to give authority to the Oyster Commission to promulgate regulations relating to any and all seafoods which shall have the force and effect of law; to empower the Chief Enforcement Officer and the oyster inspectors to enforce all laws and regulations relating to the seafood industry; to require the captain of licensed boats to assist in making arrests for violation of laws and regulations relating to the seafood industry; to authorize the Oyster Commission to provide the necessary patrol boats and appoint deputy inspectors for such boats; to make it unlawful to catch, take or have oysters in possession at certain times of the year; to authorize the Commission to close the oyster season earlier than the first of May and open same later than the first of September when deemed necessary for the conservation and protection of oysters; to provide for proper culling of oysters; to provide for lessees of oyster bottoms to take uncultured oysters for planting

purposes; to provide for the cultivation and development of oyster beds during the closed season; to provide restrictions for taking oysters from newly planted beds; to prohibit the taking or catching of oysters by any means between sunset and sunrise; to provide for licensing of all boats before beginning operation in the taking of oysters, shrimp or other seafoods; to authorize the Commission to have printed signs, words and/or numbers and require same to be posted on licensed boats; to provide privilege taxes and require same to be paid by factories or other establishments before they pack, can or process oysters or shrimp and on raw oyster shippers; to authorize the Commission to make agreements with other States relating to the catching and/or transporting of oysters from or into the State of Alabama for planting for commercial purposes.

Also:

H. 184. To make an appropriation to the State Department of Public Welfare for aid to the needy aged, to needy dependent and neglected children, and to the blind and otherwise handicapped needy persons, and to provide for the expenditure of such funds.

Also:

H. 214. To amend Schedule 96 of Section 348, Chapter 1, Article 13 of an Act, "To provide for the General Revenue of the State of Alabama," known as House Bill 324, approved July 10, 1935, as amended by House Bill 887 on page 901 of the printed Acts of the Legislature of 1935, and approved September 13, 1935.

Also:

H. 260. To provide that the State Department of Public Welfare shall perform all duties incident to the payment of pensions to those persons entitled thereto under the provisions of Chapter 55, Article 1 of the Code of Alabama of 1923 as amended; and to provide that the County Department of Public Welfare shall perform all duties incident to the receipt and delivery of such pensions; and to require the State Auditor to furnish the State Department of Public Welfare with proper certifications of all persons eligible for pension under the provisions of Chapter 55, Article 1 of the Code of Alabama of 1923 as amended.

Also:

H. 266. To amend Section 2 of Act No. 546 of the Legislature of 1935, entitled "An Act to create a Board to be known as 'State Board of Adjustment'; to name its personnel, to define its duties and powers and to authorize said Board to certify its findings to

the Comptroller for the payment of its awards, decrees and findings out of the fund herein provided for; to provide the basis of awards and decrees and to make appropriation therefor," approved September 14, 1935.

Also:

H. 271. To provide that in computing the net income of credit unions for purposes of the excise tax levied by Article XII, Chapter 1, of an Act entitled "To provide for the General Revenue of the State of Alabama", approved July 10, 1935, there shall in addition to all other deductions provided by law, be deducted the amount paid out as dividends on the withdrawable shares thereof.

Also:

H. 278. To amend Section 6550 of the Code of Alabama of 1923.

Also:

H. 279. To amend Section 6551 of the Code of Alabama of 1923.

Also:

H. 283. To amend Subdivision (m) of Section 2 of Article 1 of an Act entitled "An Act To Provide For The General Revenue Of The State of Alabama", approved July 10, 1935.

Also:

H. 298. For the relief of The American Workmen, a fraternal insurance society incorporated under the laws of The District of Columbia, and to appropriate for this purpose the sum of \$435.61 out of any money in the State Treasury, not otherwise appropriated, in order to reimburse the said The American Workmen for the above sum paid by The American Workmen under protest by check to the State Treasury through the Superintendent of Insurance in accordance with Section 8505 of the Code of Alabama which Section was subsequently declared unconstitutional by State vs. Praetorians 226 Alabama 259, 146 So. 411.

Also:

H. 309. To authorize any municipality of over one hundred thousand population according to the last or any subsequent Federal Census to issue new bonds for mutilated bonds.

Also:

H. 317. To authorize the payment of the per diem and mileage of the members of the Court of County Commissioners of Fayette

County, Alabama out of the excise gas tax fund of the county when engaged in inspecting, accepting, building, repairing or maintaining public roads or bridges in said county; and to repeal all laws and parts of laws, general, special, private and local in conflict with the provisions of this Act.

Also:

H. 330. To Amend Schedule 106 of Section 348 of an Act entitled "An Act to provide For the General Revenue of the State of Alabama," Approved July 10th, 1935.

Also:

H. 335. To provide for the relief of John H. Middleton and to require the Board of Revenue and Road Commissioners of Mobile County, Alabama, to appropriate and the County Treasurer of Mobile County to pay to John H. Middleton the sum of \$300.00 for the destruction of a truck resulting from the negligence of employees of Mobile County.

Also:

H. 363. To allow the Register in Chancery of the Circuit Court of Blount County, Alabama, a clerk; to provide for the appointment and tenure of office of said clerk to fix the salary of said clerk and to make the same payable out of the general funds of Blount County in monthly installments.

Also:

H. 373. To amend Sections 2 and 5 and 6 and 10 of an Act entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled, 'An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system and for other purposes; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit

attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of the Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act, "approved September 14, 1935, as amended by an Act entitled "An Act to amend Section 18 of an Act approved September 14, 1935, and entitled 'An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system and for other purposes;" to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefits arrangements with other states of the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act, to regulate alienation of benefits; to provide penalties for failure to comply with or violation of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act' approved April 21, 1936.

Also:

H. 374. To authorize and empower the Court of County Commissioners of Chilton County, Alabama, or like governing body of said county, to contract for, purchase, install, equip, operate and maintain one or more refrigerator compressors and drinking founts or refrigerated drinking founts and all machinery, equipment, supplies and appurtenances necessary therefor, in the Court House of said county or on the premises thereof and to pay for the same out of the General Funds of said County.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House resolution:

By Mr. Welch:

H. R. 190. Resolved by the House that the Senate be requested to return message from the House requesting Conference Committee on the disagreement over the Senate Amendment to House Bill No. 141.

And requests the return of the Message from the House requesting Committee on Conference on House bill 141.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Mooneyham, the Senate acceded to the request of the House and returned thereto said Message.

RESOLUTION

The Rules Committee Reported the following resolutions:

S. R. 54. Be it resolved by the Senate that the following shall be the Special, Paramount and Continuing Order of business when the Calendar is called today.

1—Local Bills:

H. 377, page 17.

H. 215, page 13.

H. 88, page 4.

H. 300, page 8.

H. 334, page 12.

H. 121, page 2.

H. 173, page 6.
H. 206, page 9.
H. 82, page 1.
H. 238, page 10.
H. 180, page 11.
H. 159, page 12.
H. 302, page 5.
H. 55, page 5.
H. 368, page 16.
H. 57, page 7.
H. 45, page 6.
H. 58, page 5.
H. 71, page 11.
H. 54, page 5.
H. 228, page 7.
H. 35, page 3.
H. 246, page 10.
H. 75, page 15.
H. 182, page 16.

Be it further resolved that no Senator shall speak more than four minutes on any one question and that no Senator shall be allowed to yield the floor to another Senator for any purpose.

Which was adopted.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama,
Montgomery, Alabama.
Gentlemen:

By virtue of the Acts of 1923, Page 714, and since the last adjournment of the Legislature, I have appointed for the Alabama School of the Deaf and Blind, Trustees of the Third Class, as follows:

Judge Alto V. Lee, Gadsden, succeeding himself.

G. Walter Jones, Huntsville, succeeding himself.

T. D. Boynton, Talladega, succeeding W. H. Boynton.

Mrs. Augusta Forrest, Birmingham, succeeding herself.

Said appointments having been made November 12, 1936, and I herewith submit them to you for such action as you may deem proper in the premises.

Respectfully,
BIBB GRAVES,
Governor.

February 26, 1937.

GOVERNOR'S MESSAGE

On motion of Mr. Russell, the Senate confirmed the appointments by His Excellency, the Governor, of the following Trustees

of the Third Class, for the Alabama School for the Deaf and Blind:

Judge Alto V. Lee, Gadsden.
G. Walter Jones, Huntsville.
T. D. Boynton, Talladega.
Mrs. Augusta Forrest, Birmingham.
Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Richardson	Taylor
Browder	Locke	Rogers	Thomas
Carlton	Mixon	Russell	Tucker
Cook	Mooneyham	St. John	Walton
Dorsey	McConnell	Starnes	Weaver
Frazer	McDowell	Stoddard	Wellborn
Goldsmith	Parrish	Swift	Woodall

—28

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as herein shown and as amended has passed the following Senate bill:

S. 90. To provide for and submit to the qualified electors of the State of Alabama, at an election to be held on the second Tuesday next after the expiration of three months from the date of the final adjournment of the present session of the Legislature, an amendment to the Constitution of Alabama authorizing Limestone County to levy and collect a tax of one mill, for use in malaria control work, in addition to all taxes now authorized.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Weaver, the Senate concurred in the following amendment by the House to the bill, S. 90, the title of which is set out in the foregoing Message from the House, to-wit:

Amend S. 90 as follows:

Strike from Section 1 of the bill the following words "and the day appointed for such election is the second Tuesday after the expiration of three months from the date of the final adjournment of the present session of the Legislature at which this amendment is proposed." and substitute therefor the following "and the day

appointed for such election shall be the First Tuesday in May 1938."

Yeas, 25; Nays, 0.

Yeas:

Messrs.:

Browder	Locke	Richardson	Taylor
Carlton	Mixon	Riddle	Tucker
Cook	Mooneyham	Russell	Walton
Dorsey	McConnell	St. John	Weaver
Goldsmith	McDowell	Stoddard	Wellborn
Kelly	Parrish	Swift	Woodall
Kuykendall			

—25

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House joint resolution:

By Mr. Poole (Butler):

H. J. R. 191. Be it resolved by the House of Representatives the Senate Concurring that Senate Bill Number 81 be known as the Hill-Simpson Bill.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

H. J. R. 191, set out in the foregoing Message from the House was concurred in and adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House joint resolution:

By Mr. Moore:

H. J. R 193. Be it resolved by the House, the Senate Concurring, that Senate Bill No. 126 be known as the Stoddard-Tolbert Bill.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

H. J. R. 193, set out in the foregoing Message from the House was concurred in and adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 2. To repeal an Act entitled an Act "For the protection of human beings against rabies, to require inoculation against rabies of all dogs running at large, to provide for the apprehension and disposition of dogs running at large which have not been inoculated in accordance with the provisions of this Act, to provide for the confinement of bitten dogs, and dogs that have bitten human beings, to provide a means of enforcement of the provisions of this act, the appointment of a Rabies Inspector, to fix fees for inoculation of dogs, and to fix penalties for the violation of the provisions hereof," approved September 13, 1935.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendments to the following House bills:

By Messrs. O'Neal and Kirby:

H. 253. To further regulate and define the duties of the Court of County Commissioners as the present governing body of Jackson County and fix the monthly salary of each member at eighty-five dollars (\$85.00) and fix their duties; to make the Judge of Probate the ex-officio chairman of the said Court of Commissioners to serve without pay except as now provided by the law and to require that all purchases made by the county amounting to more than one hundred dollars (\$100.00) except for repair parts on tractors and graders shall be bought under competitive bidding; to require that a system of accounting shall be adopted and a bookkeeper for said Court of Commissioners be appointed by the Court; to fix his duties and provide a salary not exceeding seventy-five dollars (\$75.00) per month; to provide that salaries of Commissioners and bookkeeper shall be paid from the General Fund and/or the special county three cent gasoline tax fund; to require that all

payrolls must be itemized and presented to the county bookkeeper who shall keep a record thereof, such payroll to be subject to the approval of the entire Court of Commissioners; to provide that an individual check for each employee of the county be prepared by the bookkeeper and signed by the Judge of Probate in his capacity as ex-officio Chairman.

Also:

By Mr. Douglass:

H. 161. To amend Section 7 and Section 9 of an Act of the Legislature entitled "an act to regulate the sale, transfer and possession of certain types of firearms; to provide for the licensing of dealers and owners of such firearms; to fix rules of evidence in the courts of this state in prosecutions for violation of this act; to prescribe penalties for the violation of any provision herein and to make uniform the law with reference thereto," approved April 6th, 1936.

Also:

By Mr. Poole:

H. 109. To further regulate and provide for pensions to be paid to the Widows of Confederate Soldiers and Sailors.

E. F. Taylor,
Clerk.

BILL INDEFINITELY POSTPONED

On motion of Mr. Carlton, further consideration of the bill:

H. 380. To permanently establish the high schools in Washington County, Alabama, as are now located at Leroy, Fruitdale, Millry, and Chatom; to provide for the discontinuance or consolidation of any one or all of said schools only by a county referendum.

Was indefinitely postponed by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

S. 150. To relieve all persons in all Counties of the State of Alabama with a population of not less than 17,800 nor more than 19,300 according to the last or any subsequent Federal Census of any legal obligations to work on the public roads or streets of their

respective Counties, or of paying any money in lieu of such legal obligation for work on the public roads or streets of their respective Counties.

Also:

S. 142. To amend Sections 10304 and 10306 of the Code of 1923.

Also:

S. 53. To amend Section 2 of an Act approved April 10th, 1936, entitled "An Act to amend Schedule 158 of Chapter 6, Article 13 of 'An Act to provide for the General Revenue of the State of Alabama', approved July 10, 1935".

And return same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 125. To amend Sections 1, 5, 7, 8, 9, 14, 16, 19, 20, 24 and 35 of an Act of the Legislature of Alabama, approved March 29, 1933, entitled "An Act to authorize any county, city or incorporated town of the State of Alabama, subject to the limitations herein stated, to purchase or construct a waterworks system, water supply system, sewer system, sanitary disposal equipment and appliance, or gas system, and in furtherance thereof to purchase or construct any necessary part of any such system either within or without the limits of such county, city or incorporated town, as the case may be; and to authorize any county, city or incorporated town in the State of Alabama now or hereafter owning and operating any such system to improve, enlarge, extend or repair the same; and for any such purpose or purposes to authorize any such county, city or incorporated town to issue revenue bonds payable solely from the revenues derived from the operation of any such system or systems; to regulate the issuance, sale, retirement, and refunding of such bonds and of other matters in connection therewith; to regulate the use of the revenues of such system or systems when such bonds are issued or outstanding; to provide for the operation of any such system or systems in case of deficiencies in such revenues; to confer upon the State Board of Health certain powers with reference to any such sewer system; and for other purposes," as heretofore amended.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 71. For the protection of human beings against rabies, to require inoculation against rabies of all dogs running at large, to provide for the apprehension and disposition of dogs running at large which have not been inoculated in accordance with the provisions of this Act, to provide for the confinement of bitten dogs, and dogs that have bitten human beings, to provide a means of enforcement of the provisions of this Act, the appointment of a Rabies Inspector, to fix fees for inoculation of dogs, and to fix penalties for the violation of the provisions hereof.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

BILLS ON THIRD READING

The bill:

H. 319. To provide that in all counties in the State of Alabama with a population of not less than 17,800, nor more than 19,300, according to the last or any subsequent Federal Census, the per diem and mileage and any and all other Compensation which is now provided or may hereafter be provided by law for the members of the Commissioners Court, Board of Revenue or like governing body, shall be paid out of the proceeds of the gasoline excise tax fund accruing to the respective counties from the State of Alabama while the members of said bodies are engaged in the performance of their duties in connection with the supervision, construction, maintenance and/or repair of the public roads and/or bridges in their respective counties; to provide that nothing herein contained shall be construed as changing the per diem and mileage, or any and all other compensation which is now provided, or which may hereafter be provided by law for the members of said bodies in said counties; to repeal all laws and parts of laws, general, special and local in conflict herewith; and to provide for the effective date of this Act.

Was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the bill, to-wit:

Amend H. 319:

Strike from the Title and Section 1 thereof the following words where the same occur together therein: "and any and all other compensation which is now provided or many hereafter be"

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Kuykendall	Russell	Taylor
Carlton	Mixon	St. John	Tucker
Chesnut	Mooneyham	Starnes	Walton
Dorsey	McConnell	Stephens	Weaver
Frazer	McDowell	Stoddard	Wellborn
Goldsmith	Richardson	Swift	Woodall
Kelly	Rogers		

—26

Nays:—None.

Mr. Kuykendall offered the following amendment to the bill, to-wit:

To amend Section 1 of House Bill 319 as amended, so that the same shall read as follows:

Section 1. That from and after the passage and approval of this Act, all counties in the State of Alabama with a population of not less than 17,800 nor more than 19,300, according to the last or any subsequent Federal Census, shall pay to the members of the Court of County Commissioners, Board of Revenue or other like governing body of the said counties the per diem and mileage at the rate and in the sum provided for in Section 6771 of the Code of Alabama, 1923, as amended by an Act approved July 31, 1931, out of that portion of the gasoline excise tax fund levied by Schedule 156.9, Article 13, Chapter 4, of House Bill No. 324, approved July 10, 1935, accruing to the said counties from the State of Alabama, while the members of said bodies are engaged in the performance of their duties in connection with the supervision, construction, maintenance and/or repair of the public roads and/or bridges of their respective counties.

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Kuykendall	Russell	Taylor
Carlton	Mixon	St. John	Tucker
Chesnut	Mooneyham	Starnes	Walton
Dorsey	McConnell	Stephens	Weaver
Frazer	McDowell	Stoddard	Wellborn
Goldsmith	Richardson	Swift	Woodall
Kelly	Rogers		

—26

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Kuykendall	Russell	Taylor
Carlton	Mixon	St. John	Tucker
Chesnut	Mooneyham	Starnes	Walton
Dorsey	McConnell	Stephens	Weaver
Frazer	McDowell	Stoddard	Wellborn
Goldsmith	Richardson	Swift	Woodall
Kelly	Rogers		

—26

Nays:—None.

The bill:

H. 388. To regulate the use, distribution and expenditure of the proceeds of the gasoline tax fund received from the State of Alabama in all Counties in the State of Alabama with a population of not less than 17,800 nor more than 19,300 according to the last or any subsequent Federal Census; to make the violations of the provisions of this Act a misdemeanor punishable by a fine in the amount specified herein; to provide the date on which this Act shall become effective and to repeal all laws in conflict herewith.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Locke	Rogers	Taylor
Carlton	Mixon	Russell	Thomas
Chesnut	Mooneyham	St. John	Tucker
Dorsey	McConnell	Starnes	Walton
Frazer	McDowell	Stephens	Wellborn
Goldsmith	Richardson	Stoddard	Woodall
Kuykendall	Riddle		

—26

Nays:—None.

The bill:

H. 381. To authorize and empower Boards of Revenue in Counties having a population of not less than 47,000 and not more than 57,000 inhabitants according to the Federal Census of 1930, and which may hereafter have such population according to any Federal Census hereafter taken, to expend County funds not exceeding Twelve Hundred (\$1200.00) Dollars per annum for county purposes not otherwise provided for by law.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Kuykendall	Rogers	Swift
Carlton	Mixon	Russell	Tucker
Chesnut	Mooneyham	St. John	Walton
Cook	McConnell	Starnes	Weaver
Dorsey	McDowell	Stephens	Wellborn
Frazer	Parrish	Stoddard	Woodall
Goldsmith	Richardson		

—26

Nays:—None.

The bill:

H. 377. To amend Section 2 of an Act of the Legislature of Alabama, approved July 30, 1931, entitled "An Act to prohibit the writing of contingent or so called mortality endowment contracts by life insurance companies, mutual aid associations and fraternal benefit societies, to further regulate the writing of such contracts and to repeal all laws and parts of laws in conflict with this Act."

Was read a third time at length and passed.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Richardson	Taylor
Chesnut	Mixon	Riddle	Thomas
Cook	Mooneyham	Rogers	Tucker
Dorsey	McConnell	St. John	Weaver
Frazer	McDowell	Stoddard	Wellborn
Goldsmith	Parrish	Swift	Woodall
Kelly			

—25

Nays:—None.

The bill:

H. 215. To amend Sections 8540, 8542, 8543, 8544, 8545, 8546, 8550, 8552 and 8553, and to repeal Sections 8547, 8548, 8549 and 8551 of the Code of Alabama.

Was read a third time at length and passed.

Yeas, 27; Nay, 1.

Yeas:

Messrs.:

Bonner	Kuykendall	Richardson	Swift
Carlton	Locke	Riddle	Taylor
Chesnut	Mixon	Rogers	Thomas
Cook	Mooneyham	Russell	Walton
Frazer	McConnell	St. John	Weaver
Goldsmith	McDowell	Starnes	Woodall
Kelly	Parrish	Stoddard	

—27

Nay: Mr. Dorsey.

—1

The bill:

H. 88. To amend an Act entitled "An Act To provide for the guardianship of incompetent veterans and of minor children of disabled or deceased veterans, and the commitment of veterans and to make uniform the law with reference thereto, and to repeal Sections 8120, 8121, 8123, 8124, 8125, 8126, 8127, 8128, 8129, 8130, 8131, 8132, 8133, 8134, of the Code of Alabama, 1923, and an Act entitled 'An Act to provide for the commitment of veterans of any war, military occupation or expedition, who are of unsound mind, to a United States Veterans' Bureau hospital for restraint, care and treatment,' approved September 6, 1927, and all other laws or parts of laws inconsistent with this act", approved by the Governor of Alabama June 6, 1931, and to further prescribe and define the duties of fiduciaries appointed pursuant to said act:

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Parrish	Stoddard
Browder	Kuykendall	Richardson	Swift
Carlton	Locke	Riddle	Taylor
Chesnut	Mixon	Rogers	Walton
Cook	Mooneyham	Russell	Weaver
Dorsey	McConnell	St. John	Wellborn
Frazer	McDowell	Starnes	Woodall

—28

Nays:—None.

The bill:

H. 300. To amend Section 5024 of the Code of 1923.

Was read a third time at length and passed.

Yeas, 21; Nays, 8.

Yeas:

Messrs.:

Bonner	Kuykendall	Riddle	Taylor
Browder	Mixon	Russell	Thomas
Carlton	Mooneyham	Stephens	Walton
Chesnut	Parrish	Stoddard	Weaver
Cook	Richardson	Swift	Woodall
Kelly			

—21

Nays:

Messrs.:

Dorsey	Goldsmith	McConnell	St. John
Frazer	Locke	Rogers	Tucker

—8

The bill:

H. 334. To authorize the Courts of County Commissioners, Boards of Revenue or other like governing bodies of counties which

failed to order the Board of Registrars to meet at the County site of the various counties for the purpose of registering those entitled to register in January, 1937, be authorized to call such registrars to meet at the county sites of such counties for a period not exceeding ten days in February, 1937, for the purpose of registering those who are entitled to register.

Was read a third time at length and passed.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Browder
Carlton
Chesnut
Cook
Dorsey
Frazer
Goldsmith

Kuykendall
Mixon
Mooneyham
McConnell
McDowell
Parrish
Richardson

Riddle
Rogers
St. John
Stephens
Stoddard
Swift
Taylor

Thomas
Tucker
Walton
Weaver
Wellborn
Woodall

—27

Nays:—None.

The bill:

H. 121. To provide for and authorize the incorporation of a Water Works Board for the several cities and incorporated towns of Alabama; to provide for the powers and duties of such Water Works Board; to authorize such board, subject to the limitations herein stated, to purchase or construct a water works system, water supply systems, and all necessary equipment and appliances incident thereto; to authorize such city or incorporated town to purchase from said Water works board a sufficient supply of water necessary to supply the inhabitants of such city or incorporated town and surrounding territory; to authorize such board to borrow money and to issue revenue bonds to secure the same, payable solely from the revenues derived from the operation of such system or systems; to regulate the issuance, sale, and refunding of such bonds and of other matters in connection therewith; to regulate the use of revenues of such system or systems when such bonds are issued or authorized; to confer on such board the right of eminent domain.

Was taken up.

The Standing Committee on Municipalities reported the following substitute for the bill, to-wit:

A BILL

To be entitled An Act to provide for and authorize the incorporation of a Water Works Board for the several cities and incorporated towns of Alabama: to provide for the powers and duties

of such Water Works Board; to authorize such board, subject to the limitations herein stated, to purchase or construct a water works system, water supply systems, and all necessary equipment and appliances incident thereto; to authorize such a city or incorporated town to purchase from said Water Works Board a sufficient supply of water necessary to supply the inhabitants of such city or incorporated town and surrounding territory; to authorize such board to borrow money and to issue revenue bonds to secure the same, payable solely from the revenues derived from the operation of such system or systems; to regulate the issuance, sale, and refunding of such bonds and of other matters in connection therewith; to regulate the use of revenues of such system or systems when such bonds are issued or authorized; to confer on such board the right of eminent domain.

Be it enacted by the Legislature of Alabama:

Section 1. Whenever any number of natural persons, not less than three, said persons to be duly qualified electors and property owners of such City or town, shall file with the Mayor and council, city commission or other governing body of any city, or incorporated town, of the State of Alabama, an application in writing for a permit to apply for the incorporation in the manner hereinafter provided of a water works board of such city or incorporated town, and if such Mayor or council, city commission or other governing body of such city or incorporated town, shall deem it wise, expedient, necessary or advisable, that such corporation be formed and such Mayor and council, city commission or other governing body of such city or incorporated town, shall pass a resolution which shall be entered upon the minutes of such city or incorporated town, which said resolution shall provide that said Mayor and council, city commission or other governing body deems it expedient, wise and necessary, that said corporation be formed and authorizing the persons making application to proceed to form such corporation, then such persons making such application shall proceed to execute, file and record a certificate as hereinafter provided for the purpose hereinafter set forward. No such corporation shall be formed without first making such application and the adoption of the resolution hereinbefore provided.

Section 2. The certificate of incorporation shall be entitled and endorsed "CERTIFICATE OF INCORPORATION OF THE WATER WORKS BOARD OF THE CITY OF _____," (the blank space being filled in with the name of the city or town), and shall state: (a) the name of the corporation; (b) the location of its principle office and the post office address thereof; (c) the maximum number of directors, not less than three, who are to manage the affairs of the corporation for the first year of existence or until the successors are chosen, and who shall serve without

compensation; (e) the period, if any, for the duration of the corporation; if the duration of the corporation is to be perpetual, this fact should be stated; (f) the certificate of incorporation of such corporation may also contain any provisions not contrary to law which incorporators may choose to insert for the regulation of the business and for the conduct of the affairs of the corporation; and any provisions, creating, defining, limiting, or regulating the powers of the corporation, its directors, and members.

Section 3. The certificate of incorporation shall be acknowledged before an officer authorized by the laws of this State to take acknowledgment of deeds. When so acknowledged, the certificate may be filed with the Judge of Probate of the county in which such city or incorporated town is located, who shall forthwith file such certificate and record the same. When application has been made, filed and recorded, as herein provided, the applicants shall constitute a corporation under the name proposed in the application.

Section 4. Each corporation formed hereunder shall have a Board of Directors, of not less than three members, which Board shall constitute the governing body of the corporation, and who shall serve without compensation, except they are to be reimbursed for actual expenses incurred in and about the performance of their duties hereunder. No member of the Board of Directors shall be an officer of the municipality. The directors of the corporation shall be appointed or elected by the Mayor and Council, city commission, or other governing body of such city or town, and shall hold office concurrently with the Mayor, President or city commission, or other head of such other governing body of such city or town.

Section 5. A corporation under this Act shall have the following powers: (1) to have succession by its corporate name perpetually, or until dissolved, as hereinafter provided. (2) To sue and be sued and defend, and to make and use a corporate seal, and to alter the same at pleasure. (3) To receive, take and hold, by sale, gift, lease, devise, or otherwise, real and personal estate of every description, and to manage and dispose of the same by any form of legal conveyance or transfer, with full power and authority to borrow money and to convey by mortgage or deed of trust: to acquire, hold, purchase, and receive by bequest or devise all such real, personal and mixed property as may be necessary or convenient for the construction, operation, or maintenance of water works system or a water works plant and for the conduct and maintenance of the business of building, constructing, operating, such water works system or a water works plant; to borrow money, to issue notes, bonds, or other negotiable papers, mortgage, pledge or otherwise transfer and to convey its real, personal and mixed

property to secure the payment of money borrowed or any debt contracted. (4) To appoint and employ such officers and agents as the business of the corporation may require. (5) To contract for the sale and to sell its water supply or any part thereof to such city or town for distribution to the inhabitants thereof and surrounding territory. (6) To exercise all powers of eminent domain now or hereafter conferred on municipalities in this State. (7) To employ an attorney or attorneys whenever the Board of Directors deem it necessary, and that the business of the corporation requires it.

Any such corporation which borrows money under the provisions of this Act, may pledge, create a lien upon and mortgage any such plant, or any one or more of them, or any part or parts thereof, together with the pipe lines, improvements, and appurtenances thereto and all other property, tangible and intangible, and of like and different kind, including franchise, acquired, constructed, or installed by means of money borrowed under the authority of this Act, and also on all or any part of revenues derived from the operation of such plant or plants, or any one of them, or any part or parts, thereof, as security for the repayment of such borrowed money, with interest.

Section 6. In addition and for the further security of the lender, any such corporation, which has borrowed money under the authority of this Act, may enter into a contract or contracts with the lender binding itself for the proper application of money borrowed from such lender, and for the operation and maintenance of any such plant, or any one or more of them, or any part or parts thereof, and for the imposition, collection, safeguarding, and application, disposition, and remittance of reasonable rates for water supply and service, and for the promulgation of reasonable regulation, relating to rates and service and for any other act, series of act, duty or thing, not inconsistent with the provisions of this Act for the protection of the lenders loan and the assurance of a reasonable return upon the properties in which such loan is invested, out of which operating expenses and the principle and interest of such loan may be met.

Section 7. Any such corporation which borrows money under the authority of this Act may evidence the loan by an instrument or instruments, in such forms and of such tenor and maturity as may be agreed upon between lender and borrower, but no such instrument shall purport, or be effective to impose on the borrower or borrowers, funds or property, any liability in excess of or inconsistent with the liability authorized to be assumed by this Act. No such city shall be liable for any debt created by such corporation under the provisions of this Act, nor shall such debt be construed to be an indebtedness against such city. Provided that when the cost of construction of, and all indebtedness against, such

plant has been fully paid, then such plant, together with all pipe lines, improvements and appurtenances thereto, and all other property, tangible and intangible, including franchise or franchises, acquired, constructed or installed, and right-of-way, and all other property owned by said corporation shall become the property of such city or town and all rights of said corporation to and in the same shall immediately vest in such city or town, whereupon said corporation shall be automatically dissolved.

Section 8. Neither this Act, nor anything herein contained, shall be construed as a restriction or limitation upon any power, right, or remedy, which any corporation, now in existence, or hereafter formed, may have in an absence thereof, but shall be construed as cumulative of any such power, right or remedy.

Which was adopted.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Browder	Goldsmith	McDowell	Stoddard
Carlton	Kelly	Parrish	Swift
Chesnut	Kuykendall	Richardson	Taylor
Cook	Locke	St. John	Walton
Dorsey	Mixon	Starnes	Weaver
Frazer	Mooneyham	Stephens	Woodall

—24

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Richardson	Swift
Browder	Kuykendall	Riddle	Taylor
Carlton	Locke	Russell	Walton
Chesnut	Mixon	St. John	Weaver
Cook	Mooneyham	Starnes	Wellborn
Dorsey	McDowell	Stephens	Woodall
Frazer	Parrish	Stoddard	

Nays:—None.

The bill:

H. 173. To regulate hunting, trapping, capturing, injuring, killing or destroying or attempting to hunt, trap, capture, injure, kill or destroy wild game on the lands of another without written permission and to provide penalties for violation of the provisions of this Act.

Was taken up.

Mr. Rogers offered the following amendment to the bill, to-wit:

Amend Section 2 of House Bill 173 by adding at the end of said Section the following "and provided further that this Section shall not apply to raccoon and o'possum hunting with dogs only."

Which was adopted.

Yeas, 27; Nay, 1.

Yeas:

Messrs.:

Bonner	Kuykendall	Richardson	Taylor
Browder	Locke	Rogers	Thomas
Carlton	Mixon	Russell	Walton
Chesnut	Mooneyham	St. John	Weaver
Cook	McConnell	Starnes	Wellborn
Dorsey	McDowell	Stephens	Woodall
Kelly	Parrish	Stoddard	

—27

Nay: Mr. Frazer.

—1

Mr. Frazer offered the following amendment to the bill, to-wit:

To amend Section 2 of House Bill 173 by striking therefrom closing words of the Section "with dog only"

Which was lost.

Yeas, 8; Nays, 19.

Yeas:

Messrs.:

Carlton	Frazer	Russell	Walton
Dorsey	McDowell	Thomas	Woodall

—8

Nays:

Messrs.:

Bonner	Kelly	Parrish	Stoddard
Browder	Kuykendall	Richardson	Swift
Chesnut	Locke	Riddle	Taylor
Cook	Mooneyham	Rogers	Weaver
Goldsmith	McConnell	Starnes	

—19

Mr. Frazer also offered the following amendment to the bill, to-wit:

Amend House Bill 173 by substituting for the words, "Ten Dollars" in Section 1, the words "One Dollar."

Amend Section 2 of said bill by substituting the words "One Dollar" for the words "Fifty Dollars."

Which was adopted.

Yeas, 15; Nays, 13.

Yeas:

Messrs.:

Browder	Goldsmith	Richardson	Thomas
Carlton	Kuykendall	Russell	Weaver
Cook	Mooneyham	Stoddard	Woodall
Frazer	McDowell	Taylor	

—15

Nays:

Messrs.:

Bonner

Chesnut

Dorsey

Kelly

Locke

McConnell

Parrish

Riddle

Rogers

St. John

Starnes

Stephens

Swift

—13

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 27, Nay, 1.

Yeas:

Messrs.:

Bonner

Browder

Carlton

Chesnut

Cook

Dorsey

Goldsmith

Kelly

Kuykendall

Locke

Mooneyham

McConnell

McDowell

Parrish

Richardson

Riddle

Rogers

Russell

St. John

Starnes

Stephens

Stoddard

Swift

Taylor

Walton

Weaver

Woodall

—27

Nay: Mr. Frazer.

—1

Mr. McDowell moved that the Senate re-consider the vote by which it just passed the bill, H. 173, which motion was lost.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

By Mr. Todd:

H. 141. To amend and revise an Act entitled "An Act to amend Sections, I, II, III, IV, V, VI, VII, VIII, IX, X, XI, and XII, of an Act entitled 'An Act to regulate the occupation and practice of Cosmetology in all Counties of the State of Alabama now having or which may hereafter have a population of 400,000 or more according to the last or any subsequent Federal Census; to establish a Board of Cosmetological Examiners in each of such Counties; to define the duties of such Boards, the election of officers, etc., and their duties; provide for the salaries of such Boards and the employees of such Boards, to define what shall constitute the practice of Cosmetology in such Counties; to set up qualifications for apprentices or students in such Counties and for admission to practice Cosmetology; to provide for issuance of certificates of registration for shops and schools in such Counties; to provide requirements of shops and schools teaching Cosmetology in such Counties; provide for the refusal or revocation of certificates of registration and licenses in such Counties and penalties for the

violation of this Act, which became a law July 23, 1931", approved March 31, 1936.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendments to the following House bills:

H. 319. To provide that in all counties in the State of Alabama with a population of not less than 17,800, nor more than 19,300, according to the last or any subsequent Federal Census, the per diem and mileage provided by law for the members of the Commissioners Court, Board of Revenue or like governing body, shall be paid out of the proceeds of the gasoline excise tax fund accruing to the respective counties from the State of Alabama while the members of said bodies are engaged in the performance of their duties in connection with the supervision, construction, maintenance and/or repair of the public roads and/or bridges in their respective counties; to provide that nothing herein contained shall be construed as changing the per diem and mileage, or any and all other compensation which is now provided, or which may hereafter be provide by law for the members of said bodies in said counties; to repeal all laws and parts of laws, general, special and local in conflict herewith; and to provide for the effective date of this Act.

Also:

H. 121. To provide for and authorize the incorporation of a Water Works Board for the several cities and incorporated towns of Alabama; to provide for the powers and duties of such Water Works Board; to authorize such board, subject to the limitations herein stated, to purchase or construct a water works system, water supply systems, and all necessary equipment and appliances incident thereto; to authorize such city or incorporated town to purchase from said Water Works Board a sufficient supply of water necessary to supply the inhabitants of such city or incorporated town and surrounding territory; to authorize such board to borrow money and to issue revenue bonds to secure the same, payable solely from the revenues derived from the operation of such system or systems; to regulate the issuance, sale, and refunding of such bonds and of other matters in connection therewith; to regulate the use of revenues of such system or systems when such bonds are issued or authorized; to confer on such board the right of eminent domain.

E. F. Taylor,
Clerk.

REPORT OF CONFERENCE COMMITTEE

To the President of the Senate:

To the Speaker of the House:

We, your Committee of Conference, appointed to consider the difference between the two Houses on the Bill, Senate No. 136 by Mr. Rogers, do hereby recommend that both Houses recede from their positions on said bill, and that in lieu thereof, the following substitute be adopted for said bill, and that said bill with the following as a substitute, be passed.

C. M. A. Rogers
Hayse Tucker
Committee on part of the Senate
W. C. Taylor
J. P. McDermott
P. F. DeVane
Committee on part of the House
of Representatives.

Conference Committee Substitute for Senate Bill No. 136:

A BILL

To be entitled An Act to provide for an increase in the salaries of firemen and policemen in incorporated cities of the State of Alabama now or hereafter subject to or governed by a commission created or elected under and by authority of the General Act of Alabama of 1911, page 330 by setting aside or appropriating for such purpose one-half of the monies derived by each such city under the terms of the Alcoholic Beverage Control Act of this State, and to fix the method by which the salaries of said firemen and policemen may be increased.

Be it enacted by the Legislature of Alabama:

Section 1. That after the passage and approval of this Act every incorporated city of this state governed by a commission created or elected under and by authority of the General Acts of Alabama of 1911, page 330 shall set aside or appropriate one-half of the monies that may be derived by each such city as a result of the operation in each such city of the Alcoholic Beverage Control Act of this state, for the express purpose of increasing the salaries of the firemen and policemen in each such city.

Section 2. When such amounts are set aside or appropriated for this purpose, the treasurer or comptroller of each such city shall take whatever amount was paid into such fund during the preceding month and divide the said amount by the number of firemen and policemen, including the officers of each of these respective departments, employed by each such city on the first day of the month immediately succeeding that in which the amount was paid into the said fund, and the result thus obtained shall rep-

resent the amount by which the salary of each and every firemen and policemen, including the officers of said respective departments, shall be increased for the month in which the fund was set aside or appropriated, and such amount shall be paid each and every firemen and policemen, including all the officers in said departments, in each such city, in addition to the salary customarily paid each such employee and officer.

Section 3. It shall be unlawful for any officer or officers of any such city to reduce the salary or compensation of the persons affected by this act below that paid them for the month of January, 1937, for the purpose of directly or indirectly reaching and using any of the funds appropriated by this act for any purpose other than that prescribed herein.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor.

CONFERENCE REPORT

On motion of Mr. Rogers, the Senate concurred in the foregoing report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill:

S. 136. To provide for an increase in the salaries of firemen and policemen in incorporated cities of the State of Alabama now or hereafter subject to or governed by a commission created or elected under and by authority of the General Act of Alabama of 1911 page 330 by setting aside or appropriating for such purpose one-third of the monies, or so much thereof as may be required, derived by each such city under the terms of the Alcoholic Beverage Control Act of this state, and to fix the method by which the salaries of policemen and firemen may be increased.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder

Chesnut

Cook

Dorsey

Frazer

Goldsmith

Kuykendall

Locke

Mixon

Mooneyham

McConnell

McDowell

Richardson

Rogers

Russell

St. John

Starnes

Stephens

Stoddard

Swift

Taylor

Thomas

Tucker

Walton

Wellborn

Woodall

—26

Nays:—None.

And said bill, as thus amended, was again read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder

Chesnut

Cook

Dorsey

Frazer

Goldsmith

Kuykendall

Locke

Mixon

Mooneyham

McConnell

McDowell

Richardson

Rogers

Russell

St. John

Starnes

Stephens

Stoddard

Swift

Taylor

Thomas

Tucker

Walton

Wellborn

Woodall

—26

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills and House joint resolutions, your signature thereto is requested:

H. J. R. 189. Relative to naming S. 124 the Walton-Chichester Act.

Also:

H. 377. To amend Section 2 of an Act of the Legislature of Alabama, approved July 30, 1931, entitled "An Act to prohibit the writing of contingent or so called mortality endowment contracts by life insurance companies, mutual aid associations and fraternal benefit societies, to further regulate the writing of such contracts and to repeal all laws and parts of laws in conflict with this Act."

Also:

H. 109. To further regulate and provide for pensions to be paid to the Widows of Confederate Soldiers and Sailors.

Also:

H. J. R. 193. Relative to naming Senate Bill 126 the Stoddard-Tolbert Bill.

Also:

H. J. R. 191. Relative to naming Senate Bill 81 the Hill-Simpson Bill.

E. F. Taylor,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-

thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and resolutions; the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House joint resolution:

By Mr. Welch:

H. J. R. 194. Resolved by the House, the Senate concurring that the Doorkeeper of the House, and the Doorkeeper of the Senate and the Secretary of State be, and they are hereby relieved of all liability and responsibility, for the codes and acts of the Legislature placed on the desks of members of the House and members of the Senate for their use during this Special Session of the Legislature.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

H. J. R. 194, set out in the foregoing Message from the House was concurred in and adopted.

RECESS

At 1:15 P.M., on motion of Mr. Starnes, the Senate took a recess until 3 o'clock this afternoon.

AFTERNOON SESSION—THIRTIETH DAY

Friday, February 26th, 1937.

The Senate re-assembled at 3 P.M., Lieutenant-Governor Knight presiding.

ROLL CALL

Present:

Messrs.:	Kelly	Riddle	Swift
Bonner	Kuykendall	Rogers	Taylor
Browder	Locke	Russell	Thomas
Carlton	Mooneyham	St. John	Tucker
Chesnut	McConnell	Starnes	Walton
Cook	McDowell	Stephens	Weaver
Dorsey	Parrish	Stoddard	Woodall
Frazer	Richardson		
Goldsmith			

—30

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

By Mr. Reeder:

H. 173. To regulate hunting, trapping, capturing, injuring, killing or destroying or attempting to hunt, trap, capture, injure, kill or destroy wild game on the lands of another without written permission and to provide penalties for violation of the provisions of this Act.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 95. To relieve Crenshaw County, Alabama from the payment of that certain warrant number 1458 of said County and in favor of the Highway Commission of Alabama, for revision of the Luverne and Troy Highway.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

BILLS ON THIRD READING

The bill:

H. 206. To amend Schedule 100 of Section 348, of Article XIII, Chapter 1, of an Act entitled "An act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Was read a third time at length and passed.

Yeas, 20; Nays, 0.

Yeas:

Messrs.:

Bonner	Goldsmith	Parrish	Starnes
Browder	Kelly	Richardson	Stephens
Chesnut	Kuykendall	Riddle	Swift
Cook	Mooneyham	Rogers	Taylor
Dorsey	McConnell	Russell	Walton

—20

Nays:—None.

The bill:

H. 238. To authorize the State Tax Commission to negotiate reciprocal agreements with the States bordering Alabama by which adjustments can be made covering collection of gasoline tax sold across State lines into Alabama or from Alabama into adjoining States; to provide for exchange of information concerning such transactions; to provide for adoption by the State Tax Commission of rules and regulations governing the adjustment of claims arising out of what is known as "border line sales and withdrawals"; to provide for paying the expense of administering this Act; to repeal all laws in conflict herewith, and to fix the effective date thereof:

Was read a third time at length and passed.

Yeas, 19; Nays, 0.

Yeas:

Messrs.:

Bonner	Goldsmith	Parrish	Stephens
Browder	Kelly	Riddle	Taylor
Chesnut	Kuykendall	Rogers	Walton
Cook	Mooneyham	Russell	Woodall
Dorsey	McConnell	Starnes	

—19

Nays:—None.

The bill:

H. 180. To amend Schedule 146 of Section 348 of Article XIII, Chapter 1, of an act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the bill, to-wit:

Amend House Bill 180 Schedule 146, sub-section (b), by inserting the word "groceries" after the words "other than" before the words "tobacco products" where these words appear together in said subsection.

And on motion of Mr. Russell, the amendment was laid on the table.

And said bill was then read a third time at length and passed.
Yeas, 20; Nay, 1.

Yeas:

Messrs.:

Bonner	Dorsey	Parrish	Stephens
Browder	Kelly	Riddle	Taylor
Carlton	Kuykendall	Rogers	Walton
Chesnut	Mooneyham	Russell	Weaver
Cook	McConnell	Starnes	Woodall

—20

Nay: Mr. Goldsmith.

—1

The bill:

H. 159. To amend Schedule 133 of Section 348 of Article 13, Capter 1, of an act entitled "An act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the bill, to-wit:

A BILL

To be entitled An Act to amend Schedule 133 of Section 348 of Article 13 of an Act entitled, "An Act to provide for the General Revenue of Alabama," approved July 10, 1935.

Be it enacted by the Legislature of Alabama:

Section 1. Schedule 133 of Section 348 of Article 13, Chapter 1, of an Act entitled, "An Act to provide for the General Revenue of the State of Alabama," be and the same is hereby amended to read as follows:

Schedule 133. Each person operating or conducting an exhibition commonly termed "Street Fair" or "Carnival" shall pay to the State a license as follows: In Counties having a population of:

35,000 inhabitants or less.....	\$250.00
Over 35,000 inhabitants and less than 50,000.....	\$300.00
50,000 and less than 100,000.....	\$350.00
100,000 or more.....	\$600.00

for each place where such fair is conducted. This license shall entitle the street fair to be operated for a period not exceeding two weeks at any one place at any one time. Provided, that where such fair or carnival is operated by or under the auspices of State Fairs, County or District Fairs, the license shall be one-fourth of the above amounts. Provided that a State, County, or District Fair shall be construed to mean a corporation or association composed of ten or more persons, which shall have been organized at least six months prior to the holding of the Fair, and which holds an annual fair and at which not less than twenty exhibits of agricultural, livestock or mineral products are shown and upon which prizes are offered.

Provided further, that where such street fair is held under the auspices of an American Legion Post, National Guard, or any charitable, educational or religious association who receive not less than twenty per cent (20%) of gross receipts of such street fair or carnival, the license shall be one-fourth of the amounts set out above.

The procurement of a license under this Schedule shall not grant licensee the privilege of engaging in any other business for which a license is required by any other Schedule of this Act.

Provided, further, that the granting of such license under this Schedule shall not be construed to prevent a city or county government from banning any part of such fair or carnival from being shown by whatever plan of censorship that they may be employed.

Which was adopted.

Yeas, 21; Nays, 0.

Yeas:

Messrs.:

Browder	Locke	Riddle	Taylor
Chesnut	Mooneyham	Rogers	Thomas
Cook	McConnell	Russell	Walton
Dorsey	Parrish	Starnes	Weaver
Kelly	Richardson	Stephens	Woodall
Kuykendall			

—21

Nays:—None.

And said bill, as thus amended, was then read a third time at length and passed.

Yeas, 21; Nays, 0.

Yeas:

Messrs.:

Browder	Locke	Riddle	Taylor
Chesnut	Mooneyham	Rogers	Thomas
Cook	McDowell	Russell	Walton
Dorsey	Parrish	Starnes	Weaver
Kelly	Richardson	Stephens	Woodall
Kuykendall			

—21

Nays:—None.

The bill:

H. 302. To amend Sub-section Seven of Section 7407 of the Code of Alabama of 1923, as amended by acts of extra session of 1932, page 52, approved September 28, 1932.

Was read a third time at length and passed.

Yeas, 22; Nays, 2.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Swift
Browder	Kuykendall	Rogers	Taylor
Carlton	Locke	Parrish	Thomas
Chesnut	Mooneyham	Starnes	Weaver
Cook	McDowell	Stephens	Woodall
Dorsey	Richardson		

—22

Nays: Messrs. Parrish and Walton.

—2

The bill:

H. 55. To Amend Section 8351 of the Code of Alabama of 1923.

Was read a third time at length and passed.

Yeas, 21; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Richardson	Taylor
Browder	Locke	Rogers	Thomas
Chesnut	Mooneyham	Russell	Walton
Cook	McConnell	Starnes	Weaver
Dorsey	Parrish	Swift	Woodall
Goldsmith			

—21

Nays:—None.

FURTHER CONSIDERATION OF H. 82

The Senate proceeded to further consideration of the bill:

H. 82. To propose an Amendment to the Constitution of the State of Alabama, amending Section 138 of Article 5, of the Constitution of Alabama; to order an election for the qualified Electors of the State of Alabama upon such proposed Amendment to be held at the next election held for any other constitutional amendment passed, approved and submitted by this session of the Legislature, or on failure to have such special election, then at the next general election held in this State after the expiration of three (3) months from and after final adjournment of the present Session of the Legislature at which this Amendment is proposed; and, to provide for notice to be given by the Governor for the holding of said election.

And amendment adopted on the 25th Legislative day, which bill and amendment were temporarily postponed by the Senate.

Mr. Kelly then offered the following amendment to the bill, as amended, to-wit:

Amend the Caption, Section 2 and Section 3 of House Bill No. 82 as amended by Senate amendment by striking from each the following words wherever they appear therein, viz:

"Second Tuesday after the expiration of three (3) months from and after the final adjournment of the present session of the Legislature at which this Amendment is proposed."

And insert and substitute in lieu thereof the following words:

"First Tuesday in May, 1938."

And further amend said bill by adding at the end of Section 4 thereof the following additional words; viz:

"Provided that the officers appointed to hold the democratic primary on the first Tuesday in May, 1938, if otherwise qualified, may be appointed to hold this election, and if so appointed, they shall receive no compensation for holding this election other than that paid them for holding said primary election."

Which was adopted.

Yeas, 26; Nay, 1.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Taylor
Browder	Kuykendall	Rogers	Thomas
Carlton	Locke	Russell	Tucker
Chesnut	Mooneyham	Stephens	Walton
Cook	McConnell	Stoddard	Weaver
Dorsey	Parrish	Swift	Woodall
Goldsmith	Richardson		

—26

Nay: Mr. Frazer.

—1

Mr. Frazer then offered the following amendment to the bill, as amended, to-wit:

To Amend H. B. 82 by adding at the end of Section 1 of said bill the following: "However that no Sheriff can succeed himself more than once."

And on motion of Mr. Kelly, said amendment was laid on the table.

Yeas, 14; Nays, 13.

Yeas:

Messrs.:

Browder	Mooneyham	Russell	Walton
Chesnut	McConnell	Stephens	Weaver
Cook	Richardson	Thomas	Woodall
Kelly	Riddle		

—14

Nays:

Messrs.:

Bonner	Goldsmith	Parrish	Stoddard
Carlton	Kuykendall	Rogers	Swift
Dorsey	Locke	Starnes	Taylor
Frazer			

—13

And said bill, as thus amended, was read a third time at length as required by the Constitution and passed.

Yeas, 21; Nays, 7.

Yeas:

Messrs.:

Browder	Kuykendall	Russell	Thomas
Carlton	Mooneyham	St. John	Tucker
Chesnut	McConnell	Stephens	Walton
Cook	Richardson	Stoddard	Weaver
Goldsmith	Riddle	Swift	Woodall
Kelly			

—21

Nays:

Messrs.:

Bonner	Frazer	Rogers	Taylor
Dorsey	Parrish	Starnes	

—7

PAIR ANNOUNCED

Mr. Locke announced that he and Mr. Walden were paired on this vote; that Mr. Walden, if present, would vote "Aye", and he, Mr. Locke, would vote "No."

Mr. Kelly then moved that the Senate reconsider the vote by which it just passed the bill, H. 82, which motion was lost and the Senate refused to reconsider said vote.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bill:

S. 22. To prohibit the driving of motor vehicles by habitual users of narcotic drugs, or habitual drunkards, or by persons under the influence of liquor or narcotic drugs, and to provide penalties for the violation of this act.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Russell, the Senate concurred in the following amendment by the House to the bill, S. 22, the title of which is set out in the foregoing Message from the House, to-wit:

A BILL

To be entitled An Act to prohibit the driving of motor vehicles by habitual users of narcotic drugs and habitual drunkards, and by persons intoxicated by liquor or narcotic drugs; to provide penalty for the violation of this Act.

Be it enacted by the Legislature of Alabama:

Section 1. It shall be unlawful for any person, whether licensed or not, who is an habitual user of narcotic drugs, or any person who is intoxicated, to drive any motor vehicle upon any highway of this state, and upon conviction shall be punished by imprisonment in the county or municipal jail for not more than one year or by fine of not less than One Hundred (\$100.00) Dollars nor more than one thousand dollars or by both such fine and imprisonment in the discretion of the court trying the cause. As additional punishment the court trying the cause shall have exclusive authority to prohibit and must prohibit the person so convicted from driving any motor vehicle upon the public highways of this state for a period not to exceed one year. On a second or subsequent conviction he shall be punished by imprisonment at hard labor for not more than one year or in the discretion of the court a fine of not less than One Hundred (\$100.00) Dollars nor more than one thousand dollars, or both, and in addition thereto the court trying said cause shall, as additional punishment, have exclusive authority to prohibit the person convicted from driving a motor vehicle upon the highways of this state for a period of not less than thirty days nor more than one year.

Section 2. All fines collected for the violation of this Act shall be paid into the Highway Patrol Fund, as now provided by law.

Section 3. All laws or parts of laws in conflict herewith are expressly repealed.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Bonner	Goldsmith	Parrish	Stephens
Browder	Kelly	Richardson	Swift
Carlton	Kuykendall	Riddle	Thomas
Chesnut	Locke	Rogers	Walton
Cook	Mooneyham	Russell	Weaver
Dorsey	McConnell	Starnes	Woodall

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying Message from His Excellency, the Governor, with his objection and proposed amendment to the bill:

By Mr. Hall:

H. 349. To authorize the Commissioner Court of Green County, Alabama to transfer Fifteen Thousand dollars from the Gasoline Fund to the General Fund of said County.

Said Governor's Message containing the proposed Amendment being in words and figures as follows, to-wit:

To the House of Representatives,
Montgomery, Alabama.

Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 349 without my approval.

I suggest the following executive amendment, which, if incurred in, will remove my objection to the Act:

Amend said Act by striking out Section 1 thereof and in lieu thereof substitute the following:

Section 1. That the Commissioners Court of Greene County, Alabama be and they are hereby authorized to transfer Fifteen Thousand Dollars (\$15,000.00), from the gasoline fund accruing to Green County, to the General Fund of Greene County, for the purpose of re-imbursing the General Fund in that amount which was expended from the General Fund of said County for the purpose of purchasing Highway rights of way in said County.

Respectfully,

Bibb Graves,
Governor.

February 24, 1937

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to said bill, H. 349, by a vote of a majority of the whole number elected to the House; said vote being: Yeas, 66; Nays, 0.

And said bill, H. 349, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House; said vote being: Yeas, 66; Nays, 0.

And said bill, together with the Governor's Message, containing the proposed amendment, is herewith sent to the Senate for its consideration.

E. F. Taylor,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Taylor, the Senate concurred in the amendment proposed by His Excellency, the Governor, to the bill, H. 349,

the title of which and said proposed amendment is set out in the foregoing Message from the House.

Yeas, 23; Nays, 2.

Yeas:

Messrs.:

Bonner	Kuykendall	Riddle	Taylor
Browder	Locke	Rogers	Thomas
Chesnut	Mooneyham	Russell	Walton
Cook	McConnell	Starnes	Weaver
Dorsey	Parrish	Stephens	Woodall
Kelly	Richardson	Swift	

—23

Nays: Messrs.: Carlton and Frazer.

—2

Which was a majority of the whole number elected to the Senate.

And said bill, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 23; Nay, 1.

Yeas:

Messrs.:

Bonner	Kuykendall	Riddle	Taylor
Browder	Locke	Rogers	Thomas
Chesnut	Mooneyham	Russell	Walton
Cook	McConnell	Starnes	Weaver
Dorsey	Parrish	Stephens	Woodall
Kelly	Richardson	Swift	

—23

Nay: Mr. Walton.

—1

Which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 141. To appropriate from the General Fund of the State the sum of \$6500.00, or so much thereof as may be needed, to pay removal bills of prisoners because of insufficient appropriation for this purpose.

And returns same herewith to the Senate.

E. F. Taylor.
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 139. To amend Section 9997 of the Code of Alabama of 1923.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the report of the Committee of Conference on the disagreement of the two houses on the House amendment to the following Senate bill:

S. 136. To provide for an increase in the salaries of firemen and policemen in incorporated cities of the State of Alabama now or hereafter subject to or governed by a commission created or elected under and by authority of the General Act of Alabama of 1911 page 330 by setting aside or appropriating for such purpose one-half of the monies, or so much thereof as may be required, derived by each such city under the terms of the Alcoholic Beverage Control Act of this state, and to fix the method by which the salaries of policemen and firemen may be increased.

And said bill, S. 136, as amended, was again read a third time at length and passed.

And said bill, S. 136, together with the report of Committee of Conference, is herewith returned to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

By Mr. Robertson (Cullman):

H. 82. To propose an Amendment to the Constitution of the State of Alabama, amending Section 138 of Article 5 of the Constitution of Alabama; to order an election for the qualified Electors of the State of Alabama upon such proposed Amendment to

be held on the First Tuesday in May 1938; and, to provide for notice to be given by the Governor for the holding of said election.

E. F. Taylor,
Clerk.

BILLS ON THIRD READING

The bill:

H. 368. To appropriate the sum of One Thousand Dollars to the United Daughters of the Confederacy of Alabama to aid in the erection on the Capitol grounds of a monument to Jefferson Davis, first and only president of the Confederate States of America.

Was read a third time at length and passed.

Yeas. 25; Nays. 0.

Yeas:

Messrs.:

Bonner	Kelly	Richardson	Stoddard
Browder	Kuykendall	Riddle	Swift
Carlton	Locke	Rogers	Thomas
Chesnut	Mooneyham	Russell	Walton
Cook	McConnell	Starnes	Weaver
Dorsey	Parrish	Stephens	Woodall
Frazer			

—25

Nays:—None.

The bill:

H. 57. To Amend Sections 4601 and 4602 of the Code of Alabama of 1923.

Was taken up.

The Standing Committee on Insurance reported the following amendment to the bill, to-wit:

Amend H. B. 57 by striking Section 2 and adding in lieu thereof the following:

Section 2. That Section 4602 of the Code of Alabama of 1923 be and the same hereby is amended so as to read as follows:

Section 4602. Company Shall Not Issue Policy that does not Show Description, etc. Fully on its Face. No insurance company or association transacting business under the provisions of the insurance laws of this State shall issue a policy to a resident of this State which does not bear in bold letters on its face a plain description of the policy, so fully defining its character, including dividend periods and other peculiarities, that the holder thereof shall not be liable to mistake the nature or scope of the contract."

Which was adopted.

Yeas, 21; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Richardson	Stoddard
Browder	Locke	Riddle	Swift
Carlton	Mooneyham	Russell	Walton
Cook	McConnell	Starnes	Weaver
Dorsey	Parrish	Stephens	Woodall
Kelly			

—21

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 21; Nays, 0.

Yeas:

Messrs.:

Bonner	Frazer	McConnell	Swift
Browder	Kelly	Parrish	Thomas
Carlton	Kuykendall	Richardson	Walton
Chesnut	Locke	Riddle	Weaver
Cook	Mooneyham	Stephens	Woodall
Dorsey			

—21

Nays:—None.

The bill:

H. 45. To regulate the business of selling used motor vehicles by dealers not residing in or having a permanent place of business in the State of Alabama, and by resident dealers purchasing, handling and selling used vehicles, used or acquired from non-resident dealers; to require the registration of all used motor vehicles brought into the State of Alabama for the purpose of sale, with Probate Judges in several counties; to require all such dealers to execute and deliver to such purchaser of such used vehicles, a bond indemnifying the purchaser against failure of title, breach of warranty, or fraudulent misrepresentation; to define the terms "dealer" and "vendor", and to provide penalties for the violation of the provisions of this Act.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Bonner	Frazer	Parrish	Stephens
Browder	Kelly	Richardson	Stoddard
Carlton	Kuykendall	Riddle	Thomas
Chesnut	Locke	Rogers	Weaver
Cook	Mooneyham	Russell	Woodall
Dorsey	McConnell	Starnes	

—23

Nays:—None.

The bill:

H. 58. To amend Sections 8379, 8380 and 8382 of the Code of Alabama of 1923.

Was read a third time at length and passed.

Yeas, 20; Nays, 0.

Yeas:

Messrs.:

Bonner	Dorsey	Mooneyham	Stephens
Browder	Frazer	McConnell	Thomas
Carlton	Kelly	Richardson	Walton
Chesnut	Kuykendall	Riddle	Weaver
Cook	Locke	Rogers	Woodall

—20

Nays:—None.

The bill:

H. 71. To provide for Clerks of the County Courts to act as Clerks in committing proceedings in criminal cases, to provide for their compensation and to ratify payments of costs in such proceedings.

Was read a third time at length and passed.

Yeas, 21; Nays, 0.

Yeas:

Messrs.:

Bonner	Frazer	McConnell	Swift
Browder	Kelly	Richardson	Thomas
Carlton	Kuykendall	Riddle	Walton
Chesnut	Locke	Rogers	Weaver
Cook	Mooneyham	Stephens	Woodall
Dorsey			

—21

Nays:—None.

The bill:

H. 228. To amend Schedule 29 of Section 348 of Article XIII, Chapter 1, of an act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Bonner	Frazer	Richardson	Swift
Browder	Kelly	Riddle	Taylor
Carlton	Kuykendall	Rogers	Thomas
Chesnut	Locke	Russell	Weaver
Cook	Mooneyham	Starnes	Woodall
Dorsey	McConnell	Stephens	

—23

Nays:—None.

The bill:

H. 35. To amend An Act, entitled "An Act to provide that if, under the terms of any annuity contract or policy of life insurance, or under any written agreement supplemental thereto, issued by any life insurance company, the proceeds, or any part thereof, are retained by such company at maturity, or otherwise, permission is expressly withheld by the terms of such contract, policy or supplemental agreement, no person entitled to any part of such proceeds, or installments of interest due, or to become due thereon, shall be permitted to commute, anticipate, encumber, alienate or assign the same, or any part thereof, and that no such payment shall be in any way subject to such person's debts, contracts, or engagements, nor to any judicial process to levy upon or attach the same; and to provide, further, that no such company shall be required to segregate such funds, but may hold them as a part of its general corporate funds," approved August 9, 1935, so as to further provide and regulate the exemption from legal process to enforce any debt or liability of the proceeds of policies which mature on account of disability except for premiums payable on such policy or lawful assignment of same.

Was read a third time at length and lost.

Yeas, 6; Nays, 20.

Yeas:

Messrs.:

Kuykendall
Mooneyham

Riddle
Starnes

Stoddard

Taylor

—6

Nays:

Messrs.:

Browder
Carlton
Chesnut
Cook
Dorsey

Frazer
Kelly
Locke
McConnell
McDowell

Parrish
Richardson
Rogers
Russell
Stephens

Swift
Thomas
Walton
Weaver
Woodall

—20

The bill:

H. 246. To amend Section 7409 of the Code of Alabama of 1923, as amended by an Act of the Legislature of 1933, approved April 19, 1933.

Was read a third time at length and passed.

Yeas, 20; Nays, 7.

Yeas:

Messrs.:

Bonner
Browder
Chesnut

Cook
Dorsey
Frazer

Kelly
Kuykendall
Locke

McConnell
Riddle
Rogers

Russell Starnes	Stoddard Swift	Taylor Thomas	Weaver Woodall	—20
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Nays:

Messrs.: Carlton Mooneyham	McDowell Parrish	Richardson Stephens	Walton	—7
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The bill:

H. 75. To amend Schedule 7 of Section 348 of Article XIII, Chapter 1, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.: Bonner Browder Carlton Chesnut Cook Dorsey	Frazer Kelly Kuykendall Locke Mooneyham McConnell	McDowell Parrish Riddle Rogers Russell Stephens	Stoddard Taylor Walton Weaver Woodall	—23
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Nays:—None.**The bill:**

H. 182. To amend Section 348, Article XIII, Chapter 1, of an act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Was read a third time at length and passed.

Yeas, 20; Nays, 0.

Yeas:

Messrs.: Bonner Browder Carlton Cook Dorsey	Kelly Kuykendall Locke Mooneyham McConnell	Parrish Riddle Rogers Russell Stephens	Stoddard Swift Walton Weaver Woodall	—20
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Nays:—None.**The bill:**

H. 177. To amend Schedule 158.9 of Section 348, Chapter 6, of Article XIII, of an Act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

Was read a third time at length and passed.

Yeas, 19; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	McDowell	Swift	
Browder	Kuykendall	Parrish	Thomas	
Chesnut	Locke	Riddle	Weaver	
Cook	Mooneyham	Rogers	Woodall	
Dorsey	McConnell	Stoddard		—19

Nays:—None.

The bill:

H. 326. To amend Section 9638 of the Code of Alabama of 1923.

Was read a third time at length and lost by failure to receive the required Constitutional Majority.

Yeas, 15; Nays, 10.

Yeas:

Messrs.:

Bonner	Cook	Riddle	Stephens	
Browder	Kelly	Rogers	Stoddard	
Carlton	Kuykendall	Russell	Taylor	
Chesnut	McDowell	Starnes		—15

Nays:

Messrs.:

Dorsey	Mooneyham	Thomas	Weaver	
Frazer	Parrish	Walton	Woodall	
Locke	Swift			—10

The bill:

H. 158. To Amend Section 6766 of the Code of Alabama of 1923.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers	Taylor	
Browder	Locke	Russell	Thomas	
Carlton	Mooneyham	Starnes	Walton	
Chesnut	McDowell	Stephens	Weaver	
Cook	Parrish	Stoddard	Woodall	
Kelly	Riddle	Swift		—23

Nays:—None.

The bill:

H. 52. To amend Schedule 158.3 of Chapter 6, Article 13 of an Act entitled, "An Act to provide for the General Revenue of the State of Alabama", approved July 10, 1935, as amended by

an Act, entitled, "An Act to amend Schedule 158.3 of Section 348, Chapter 6 of Article 13 of an Act of the Legislature, approved July 10, 1935," approved September 14, 1935.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Taylor
Browder	Kuykendall	Rogers	Thomas
Carlton	Locke	Russell	Walton
Chesnut	Mooneyham	Starnes	Weaver
Cook	McDowell	Stephens	Woodall
Dorsey	Parrish	Swift	

—23

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendments to the following House bills:

By Mr. Chichester:

H. 57. To Amend Sections 4601 and 4602 of the Code of Alabama of 1923.

Also:

By Mr. Braswell:

H. 159. To Amend Schedule 133 of Section 348 of Article 13 of an Act entitled, "An Act to provide for the General Revenue of Alabama," approved July 10, 1935.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 161. To amend Section 7 and Section 9 of an Act of the Legislature entitled "an act to regulate the sale, transfer and possession of certain types of firearms; to provide for the licensing of dealers and owners of such firearms; to fix rules of evidence in the courts of this state in prosecutions for violation of this act; to prescribe penalties for the violation of any provision herein and to make uniform the law with reference thereto," approved April 6th, 1936.

Also:

H. 381. To authorize and empower Boards of Revenue in Counties having a population of not less than 47,000 and not more than 57,000 inhabitants according to the Federal Census of 1930, and which may hereafter have such population according to any Federal Census hereafter taken, to expend County funds not exceeding Twelve Hundred (\$1,200.00) Dollars per annum for county purposes not otherwise provided for by law.

Also:

H. 300. To amend Section 5024 of the Code of 1923.

Also:

H. 173. To regulate hunting, trapping, capturing, injuring, killing or destroying or attempting to hunt, trap, capture, injure, kill or destroy wild game on the lands of another without written permission and to provide penalties for violation of the provisions of this Act.

Also:

H. 334. To authorize the Courts of County Commissioners, Boards of Revenue or other like governing bodies of counties which failed to order the Board of Registrars to meet at the County site of the various counties for the purpose of registering those entitled to register in January, 1937, be authorized to call such registrars to meet at the county sites of such counties for a period not exceeding ten days in February, 1937, for the purpose of registering those who are entitled to register.

Also:

H. 253. To further regulate and define the duties of the Court of County Commissioners as the present governing body of Jackson County and fix the monthly salary of each member at eighty-five dollars (\$85.00) and fix their duties; to make the Judge of Probate the ex-officio chairman of the said Court of Commissioners to serve without pay except as now provided by the law and to require that all purchases made by the county amounting to more than one hundred dollars (\$100.00) except for repair parts on tractors and graders shall be bought under competitive bidding; to require that a system of accounting shall be adopted and a bookkeeper for said Court of Commissioners be appointed by the Court; to fix his duties and provide a salary not exceeding seventy-five dollars (\$75.00) per month; to provide that salaries of Commissioners and bookkeeper shall be paid from the General Fund and/or the special county three cent gasoline tax fund; to require that all payrolls must be itemized and presented to the

county bookkeeper who shall keep a record thereof, such payroll to be subject to the approval of the entire Court of Commissioners; to provide that an individual check for each employee of the county be prepared by the bookkeeper and signed by the Judge of Probate in his capacity as ex-officio Chairman.

Also:

H. 388. To regulate the use, distribution and expenditure of the proceeds of the gasoline tax fund received from the State of Alabama in all Counties in the State of Alabama with a population of not less than 17,800 nor more than 19,300 according to the last or any subsequent Federal Census: to make the violations of the provisions of this Act a misdemeanor punishable by a fine in the amount specified herein; to provide the date on which this Act shall become effective and to repeal all laws in conflict herewith.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

BILLS INDEFINITELY POSTPONED

On motion of Mr. Walton, further consideration of the bill:

H. 54. To prohibit the making or circulation of false statements or rumors derogatory of the solvency or financial condition of insurance companies or associations, and to provide penalties for the violations of the provisions of this act.

Was indefinitely postponed by the Senate.

On motion of Mr. Stephens, further consideration of the bills:

H. 155. To Amend Sub-Section 11 of Section 303 of the Code of Alabama of 1923.

H. 156. To amend sub-section 13 of Section 303 of the Code of Alabama of 1923.

Was indefinitely postponed by the Senate.

On motion of Mr. Riddle, further consideration of the bills:

S. 149. To appropriate the sum of \$2,000.00, or so much thereof as may be necessary to the Alabama Boys Industrial School.

S. 151. To regulate the use, distribution and expenditure of the proceeds of the gasoline tax fund received from the State of Alabama in all Counties in the State of Alabama with a population of not less than 17,800 nor more than 19,300 according to the last or any subsequent Federal Census; to make the violations of the provisions of this Act a misdemeanor punishable by a fine in the amount specified herein; to provide the date on which this Act shall become effective and to repeal all laws in conflict herewith.

Was indefinitely postponed by the Senate.

On motion of Mr. Riddle, further consideration of the bills:

H. 135. To amend Section 47 of an act entitled, "An Act to provide for the general revenue of the State of Alabama", approved July 10th, 1935.

H. 106. To Amend Section 42 of Article IV of an Act of the Legislature of 1927 "To provide a code of laws authorizing and governing the issuance, sale, regulation, funding, refunding, paying and retiring bonds of the counties and municipal corporations and to repeal Sections 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2269, 2270, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 234, 235, 236, 237, 238, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 265 and 266, Code of Alabama of 1923, and all other laws or parts of laws in conflict with this Act."

H. 33. To amend Section 4039 of the Code of Alabama 1923.

H. 296. To amend Section 54 of the Municipal Bond Code, being an Act of the Legislature of Alabama, approved September 10th, 1927, entitled "An Act to provide a code of laws authorizing and governing the issuance, sale, regulation, funding, refunding, paying, and retiring of bonds of the counties and municipal corporations, and to repeal Sections 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2269, 2270, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 234, 235, 236, 237, 238, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265 and 266, Code of Alabama of 1923, and all other laws or parts of laws in conflict with this Act," as heretofore amended.

H. 299. To submit to the qualified voters of the State of Alabama, at an election to be held for any other constitutional amendment passed, approved and submitted by this session of this legislature, or on failure to have such special election, then on the First Tuesday in May, 1938, for their consideration, an amendment the constitution of the state as follows:

"The following counties, namely,—Conecuh County, Escambia County, Monroe County, are and shall be authorized to settle, adjust, and refund, any honest, moral and just obligation or debt of the county now outstanding, whether it is within the debt limit or other limitation of the constitution or laws of Alabama or not; that said just obligations may be settled, adjusted, and refunded, on the best terms possible by the governing body of the county and by the issuance, sale or exchange of interest bearing refunding warrants of the county which refunding warrants may bear interest not exceeding six per centum per annum, payable semi-annually, or annually, as evidenced by coupons annexed; that the payment of said interest bearing refunding warrants may be secured by pledging sufficient revenues, taxes, or income, of the county from whatever source arising under laws now in existence or which may be hereafter enacted; that the issuance of said refunding warrants shall be shown by a record thereof upon the minutes of the county governing body; said refunding warrants and interest coupons when so issued shall be lawful and binding obligations of the county according to their tenor, face and purport; provided, no additional taxes shall be levied and collected for said purpose by said counties, and further provided that no funds coming to said counties for any particular purpose or purposes shall be the subject of pledge hereunder. Warrants hereby authorized may be issued under the provisions of laws now or hereafter in effect authorizing the issuance of refunding warrants by counties in Alabama."

Was indefinitely postponed by the Senate.

RECESS

At 6 P. M., on motion of Mr. Mooneyham, the Senate took a recess until 8 o'clock tonight.

NIGHT SESSION—THIRTIETH DAY

Friday, February 26, 1937.

The Senate re-assembled at 8 P. M., Lieutenant-Governor Knight presiding.

ROLL CALL

Present:

Messrs.:

Bonner
Browder
Carlton
Chesnut
Cook

Dorsey
Frazer
Goldsmith
Kelly
Kuykendall

Locke
Mooneyham
McConnell
McDowell
Parrish

Richardson
Riddle
Rogers
Russell
St. John

Starnes
Stephens
Stoddard

Swift
Taylor
Thomas

Tucker
Walton

Weaver
Woodall

—30

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 90. To provide for and submit to the qualified electors of the State of Alabama, at an election to be held on the second Tuesday next after the expiration of three months from the date of the final adjournment of the present session of the Legislature, an amendment to the Constitution of Alabama, authorizing Limestone County to levy and collect a tax of one mill, for use in malaria control work, in addition to all taxes now authorized.

S. 2. To repeal an Act entitled an Act "For the protection of human beings against rabies, to require inoculation against rabies of all dogs running at large, to provide for the apprehension and disposition of dogs running at large which have not been inoculated in accordance with the provisions of this Act, to provide for the confinement of bitten dogs, and dogs that have bitten human beings, to provide a means of enforcement of the provisions of this act, the appointment of a Rabies Inspector, to fix fees for inoculation of dogs, and to fix penalties for the violation of the provisions hereof," approved September 13, 1935.

S. 53. To amend Section 2 of an Act approved April 10th, 1936 entitled "An Act to amend Schedule 158 of Chapter 6, Article 13 of 'An Act to provide for the General Revenue of the State of Alabama', approved July 10, 1935".

S. 71. For the protection of human beings against rabies, to require inoculation against rabies of all dogs running at large, to provide for the apprehension and disposition of dogs running at large which have not been inoculated in accordance with the provisions of this Act, to provide for the confinement of bitten dogs, and dogs that have bitten human beings, to provide a means of enforcement of the provisions of this Act, the appointment of a Rabies Inspector, to fix fees for inoculation of dogs, and to fix penalties for the violation of the provisions hereof.

S. 125. To amend Sections 1, 5, 7, 8, 9, 14, 16, 19, 20, 24 and 35 of an Act of the Legislature of Alabama, approved March 29, 1933, entitled "An Act to authorize any county, city or incorporated town of the State of Alabama, subject to the limitations herein stated.

to purchase or construct a waterworks system, water supply system, sewer system, sanitary disposal equipment and appliance, or gas system, and in furtherance thereof to purchase or construct any necessary part of any such system either within or without the limits of such county, city or incorporated town, as the case may be; and to authorize any county, city or incorporated town of the State of Alabama now or hereafter owning and operating any such system to improve, enlarge, extend or repair the same; and for any such purpose or purposes to authorize any such county, city or incorporated town to issue revenue bonds payable solely from the revenues derived from the operation of any such system or systems; to regulate the issuance, sale, retirement, and refunding of such bonds and of other matters in connection therewith; to regulate the use of the revenues of such system or systems when such bonds are issued or outstanding; to provide for the operation of any such system or systems in case of deficiencies in such revenues; to confer upon the State Board of Health certain powers with reference to any such sewer system; and for other purposes," as heretofore amended.

S. 142. To amend Sections 10304 and 10306 of the Code of 1923.

S. 150. To relieve all persons in all Counties of the State of Alabama with a population of not less than 17,800 nor more than 19,300 according to the last or any subsequent Federal Census of any legal obligations to work on the public roads or streets of their respective Counties, or of paying any money in lieu of such legal obligation for work on the public roads or streets of their respective Counties.

S. 22. To prohibit the driving of motor vehicles by habitual users of narcotic drugs and habitual drunkards, and by persons intoxicated by liquor or narcotic drugs; to provide penalty for the violation of this Act.

S. 95. To relieve Crenshaw County, Alabama from the payment of that certain warrant number 1458 of said County and in favor of the Highway Commission of Alabama, for revisions of the Luverne and Troy Highway.

S. 139. To amend Section 9997 of the Code of Alabama of 1923.

S. 141. To appropriate from the General Fund of the State the sum of \$6500.00, or so much thereof as may be needed, to pay removal bills of prisoners because of insufficient appropriation for this purpose.

S. 136. To provide for an increase in the salaries of firemen and policemen in incorporated cities of the State of Alabama now or hereafter subject to or governed by a commission created or

elected under and by authority of the General Act of Alabama of 1911, page 330 by setting aside or appropriating for such purpose one-half of the monies derived by each such city under the terms of the Alcoholic Beverage Control Act of this State, and to fix the method by which the salaries of said fireman and policemen may be increased.

Earl Thomas,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills and House joint resolution, your signature thereto is requested.

H. J. R. 194. Relative to the liabilities and responsibilities of Doorkeeper of the House, Doorkeeper of the Senate, and Secretary of State, in regard to codes and acts of Legislature placed on their desks.

Also:

H. 215. To amend Sections 8540, 8542, 8543, 8544, 8545, 8546, 8550, 8552 and 8553, and to repeal Sections 8547, 8548, 8549 and 8551 of the Code of Alabama.

Also:

H. 302. To amend Sub-section Seven of Section 7407 of the Code of Alabama of 1923, as amended by acts of extra session of 1932, page 52, approved September 28, 1932.

Also:

H. 349. To authorize the Commissioner Court of Greene County, Alabama, to transfer Fifteen Thousand dollars from the Gasoline Fund to the General Fund of said County.

Also:

H. 206. To amend Schedule 100 of Section 348, of Article XIII, Chapter 1, of an Act entitled "An act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Also:

H. 246. To amend Section 7409 of the Code of Alabama of 1923, as amended by an Act of the Legislature of 1933, approved April 19, 1933.

Also:

H. 158. To Amend Section 6766 of the Code of Alabama of 1923.

Also:

H. 141. To amend and revise an Act entitled "An Act to amend Sections I, II, III, IV, V, VI, VII, VIII, IX, X, XI, AND XII, of an Act entitled 'An Act to regulate the occupation and practice of Cosmetology in all Counties of the State of Alabama now having or which may hereafter have a population of 400,000 or more according to the last or any subsequent Federal census; to establish a Board of Cosmetological Examiners in each of such Counties; to define the duties of such Boards, the election of officers, etc. and their duties; provide for the salaries of such Boards and the employees of such Boards, to define what shall constitute the practice of Cosmetology in such Counties; to set up qualifications for apprentices or students in such Counties and for admission to practice Cosmetology; to provide for issuance of certificates of registration for shops and schools in such Counties; to provide requirements of shops and schools teaching Cosmetology in such Counties; provide for the refusal or revocation of certificates of registration and licenses in such Counties and penalties for the violation of this Act, which became a law July 23, 1931", approved March 31, 1936.

Also:

H. 238. To authorize the State Tax Commission to negotiate reciprocal agreements with the States bordering Alabama by which adjustments can be made covering collection of gasoline tax sold across State lines into Alabama or from Alabama into adjoining States; to provide for exchange of information concerning such transactions; to provide for adoption by the State Tax Commission of rules and regulations governing the adjustment of claims arising out of what is known as "border line sales and withdrawals"; to provide for paying the expense of administering this Act; to repeal all laws in conflict herewith, and to fix the effective date thereof:

Also:

H. 177. To amend Schedule 158.9 of Section 348, Chapter 6, of Article XIII, of an Act entitled, "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

Also:

H. 75. To amend Schedule 7 of Section 348 of Article XIII, Chapter 1, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

E. F. Taylor,
Clerk.

SIGNING OF BILLS AND RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and resolution; the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House joint resolution:

By Rules Committee:

H. J. R. 196. Be it resolved by the House, the Senate concurring, that a joint committee composed of three from the House and three from the Senate be appointed to advise the Governor that the Legislature is preparing to adjourn sine die and now awaits any final communication from him.

And the Speaker of the House has appointed as members on said Committee on the part of the House Messrs. Ellis, Sparks (Barbour), and Heflin.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

H. J. R. 196. set out in the foregoing Message from the House was concurred in and adopted.

And the President of the Senate appointed as Committee on part of the Senate Messrs. Taylor, Starnes and Locke.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 159. To Amend Schedule 133 of Section 348 of Article 13 of an Act entitled, "An Act to provide for the General Revenue of Alabama," approved July 10, 1935.

Also:

H. 55. To Amend Section 8351 of the Code of Alabama of 1923.

Also:

H. 57. To Amend Sections 4601 and 4602 of the Code of Alabama of 1923.

Also:

H. 71. To provide for Clerks of the County Courts to act as Clerks in committing proceedings in criminal cases, to provide for their compensation and to ratify payments of costs of such proceedings.

Also:

H. 52. To amend Schedule 158.3 of Chapter 6, Article 13 of An Act entitled, "An Act to provide for the General Revenue of the State of Alabama", approved July 10, 1935, as amended by An Act, entitled, "An Act to amend Schedule 158.3 of Section 348, Chapter 6 of Article 13 of an Act of the Legislature, approved July 10, 1935," approved September 14, 1935.

Also:

H. 88. To amend an Act entitled "An Act To provide for the guardianship of incompetent veterans and of minor children of disabled or deceased veterans, and the commitment of veterans and to make uniform the law with reference thereto, and to repeal Sections 8120, 8121, 8123, 8124, 8125, 8126, 8127, 8128, 8129, 8130, 8131, 8132, 8133, 8134, of the Code of Alabama, 1923, and an Act entitled 'An Act to provide for the commitment of veterans of any war, military occupation or expedition, who are of unsound mind, to a United States Veterans' Bureau hospital for restraint, care and treatment,' approved September 6, 1927, and all other laws or parts of laws inconsistent with this act", approved by the Governor of Alabama June 6, 1931, and to further prescribe and define the duties of fiduciaries appointed pursuant to said act:

Also:

H. 182. To amend Section 348, Article XIII, Chapter 1, of an act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Also:

H. 121. To provide for and authorize the incorporation of a Water Works Board for the several cities and incorporated towns of Alabama; to provide for the powers and duties of such Water Works Board; to authorize such board, subject to the limitations herein stated, to purchase or construct a water works system, water supply systems, and all necessary equipment and appliances incident thereto; to authorize such city or incorporated town to purchase from said Water works board a sufficient supply of water necessary to supply the inhabitants of such city or incorporated town and surrounding territory; to authorize such board to borrow money and to issue revenue bonds to secure the same, payable solely from the revenues derived from the operation of such system or systems; to regulate the issuance, sale, and refunding of such bonds and of other matters in connection therewith; to regulate the use of revenues of such system or systems when such bonds are issued or authorized; to confer on such board the right of eminent domain.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 45. To regulate the business of selling used motor vehicles by dealers not residing in or having a permanent place of business in the State of Alabama, and by resident dealers purchasing, handling and selling used vehicles, used or acquired from non-resident dealers; to require the registration of all used motor vehicles brought into the State of Alabama for the purpose of sale, with Probate Judges in several counties; to require all such dealers to

execute and deliver to such purchaser of such used vehicles, a bond indemnifying the purchaser against failure of title, breach of warranty, or fraudulent misrepresentation; to define the terms "dealer" and "vendor", and to provide penalties for the violation of the provisions of this Act.

Also:

H. 58. To amend Sections 8379, 8380 and 8382 of the Code of Alabama of 1923.

Also:

H. 180. To amend Schedule 146 of Section 348 of Article XIII, Chapter 1. of an act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Also:

H. 319. To provide that in all counties in the State of Alabama with a population of not less than 17,800, nor more than 19,300, according to the last or any subsequent Federal Census, the per diem and mileage provided by law for the members of the Commissioners Court, Board of Revenue or like governing body, shall be paid out of the proceeds of the gasoline excise tax fund accruing to the respective counties from the State of Alabama while the members of said bodies are engaged in the performance of their duties in connection with the supervision, construction, maintenance and/or repair of the public roads and/or bridges in their respective counties; to provide that nothing herein contained shall be construed as changing the per diem and mileage, or any and all other compensation which is now provided, or which may hereafter be provided by law for the members of said bodies in said counties; to repeal all laws and parts of laws, general, special and local in conflict herewith; and to provide for the effective date of this Act.

Also:

H. 228. To amend Schedule 29 of Section 348 of Article XIII, Chapter 1. of an act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935

Also:

H. 368. To appropriate the sum of One Thousand Dollars to the United Daughters of the Confederacy of Alabama to aid in the erection on the Capitol grounds of a monument to Jefferson Davis, first and only president of the Confederate States of America.

Also:

H. 82. To propose an Amendment to the Constitution of the State of Alabama, amending Section 138 of Article 5 of the Con-

stitution of Alabama; to order an election for the qualified electors of the State of Alabama upon such proposed Amendment to be held on the first Tuesday in May, 1938, and, to provide for notice to be given by the Governor for the holding of said election.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

IN MEMORIAM

HONORABLE HARRISON McCUTCHEN

ASSISTANT SECRETARY OF THE SENATE

1923-1936

SENATE RESOLUTION No. 55

By Mr. Browder

WHEREAS, the Senate has learned with profound sorrow since its last meeting of the death of Hon. Harrison McCutchen, Assistant Secretary of the Senate since 1923; and

WHEREAS, Mr. McCutchen was a valued and competent employee of the Senate;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE that the Secretary of the Senate be and he is hereby directed to dedicate one whole page of the Senate Journal of this Session to the memory of Mr. McCutchen.

Which was adopted by a unanimous rising vote of the Senate.

REPORT OF SECRETARY

To the Senate:

Pursuant to the provisions of Joint Rule No. 5 of the Senate and House, I respectfully report the following Senate bills, delivered to the Governor, with the date and hour of delivery, to-wit:

S. 38. To provide for the refunding of outstanding school warrants by County Boards of Education and to validate certain outstanding school warrants heretofore issued by such boards.

Delivered to the Governor January 5, 1937, at 3:07 P. M.

Also:

S. 31. To fix the amount of the salary or compensation of the County Treasurer in any Counties of the State, having a population of not less than one hundred and ten thousand and not more than two hundred thousand, according to the last, or to any succeeding Federal Census; to provide the manner and method of payment, and to repeal all laws, general, special, or local, in conflict with the provisions of this Act.

Delivered to the Governor January 7, 1937, at 10:20 A. M.

Also:

S. 58. To provide a fund for the support of a law library for the Circuit Court of Calhoun County, Alabama, without appropriation from the State or County Treasury by the assessment and collection of court cost in all suits, actions and proceedings hereafter filed or brought to said court, and provide for the regulation and control of said fund.

Delivered to the Governor January 14, 1937, at 11:05 A. M.

Also:

S. 62. To amend Section 7 of an Act entitled, "An Act creating and establishing Juvenile Courts in all counties in the State of Alabama now having or which shall hereafter have a population according to the last federal census of not less than 95,000 and not more than 175,000, defining their powers and jurisdictions and providing for the process and procedure of said courts; for the equipment of said courts, for the Judge and officers of the courts; their term of office and their salaries, and defining their duties and the payment by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties of all premiums that may accrue on account of the bond of the Clerk thereof; for the transportation of Probation Officers, for the service of process, including warrants and the fees thereof and the payment of said fees; for the detention of juvenile delinquents and dependents and neglected children, providing for a commission to aid in carrying out the work of the courts and prescribing its duties, and providing for appeals from any order or judgment of said courts; making it an offense for any person knowingly and wilfully to encourage, aid, abet, cause a state of delinquency or dependency of any child under sixteen years of age, or produce, promote or contribute to the con-

ditions which render any child delinquent or dependent and providing punishment therefor; providing for the transfer of certain cases to said Juvenile Courts; providing for the apprehension of such children and persons and the commitment of children to any family, association or institution; for the transportation of such children and the payment of cost by said counties; providing for the commitment of Juvenile delinquents and dependents to any family, association or institution within the State to which they may be respectively committed and providing for the payment of the cost thereof by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties, providing for the payment by the cities or towns in which said courts are established of one-half of the expenses arising out of the operation of said Courts, and for the protection of said children against disqualification or prejudice in other courts in the Civil Service of the State or municipality on account of any judgment or order of said court or any confession, statement, declaration or admission or silence or demeanor of said juveniles, and provide for the repeal of certain laws," approved September 9, 1927, as amended by an Act approved April 21, 1931, so as, among other things, to make the Act applicable to all counties in the State of Alabama, then having or which should thereafter have a population according to the last Federal census of not less than 100,000 nor more than 175,000, and as further amended by an Act approved April 17, 1933, and as further amended by Act approved September 13, 1935.

Delivered to the Governor January 14, 1937, at 11:05 A. M.

Also:

S. 65. To amend an Act, entitled "An Act, To abolish the office of deputy solicitor of Walker County, Alabama and to create in lieu thereof the office of County Solicitor of Walker County, Alabama, to provide for the appointment and the election of such officer by the qualified voters of said Walker County, to prescribe his powers, duties and qualifications and to provide for his compensation and the way in which same is to be paid, to fix the term of his office, to provide for the election of his successor in office and to fix the time he shall take office and to repeal all general and local laws in conflict herewith in so far as they relate to said Walker County, Alabama, approved May 23, 1931".

Delivered to the Governor January 14, 1937, at 11:05 A. M.

Also:

S. 3. To amend Sections 2, 3, 4, 5, 6, 7, and 8 of an Act of the Legislature of Alabama entitled, "An Act to make appropriations to the Alabama Agricultural Experiment Station at Auburn; to the branch agricultural experiment stations located at Belle Mina in

Limestone County, at Crossville in DeKalb County, at Marion Junction in Dallas County, at Headland in Henry County, and at Fairhope in Baldwin County, to the experiment fields located at various points in Alabama; to provide for the purchase of necessary land; to provide for the administration, supervision and direction of the research work carried on by the above agencies; to provide for the purchase of equipment, supplies, and for other necessary expenses involved in the conduct of agricultural researches and experiments on the main station at Auburn, on the branch stations, on the experiment fields, and in cooperation with farmers, and to provide how and from what sources said appropriations shall be derived, the distribution thereof, and the manner in which same shall be paid, Approved September 2, 1935".

Delivered to the Governor January 14, 1937, at 11:05 A. M.

Also:

S. 13. To Amend Section 1 of an Act of the Legislature of Alabama entitled, "An Act to provide for Extension Work in Agriculture and home economics by giving instructions to men, women and young people in the several counties in Alabama, by continuing and improving farm and home demonstration work, by providing for the training of men and women leaders, by organizing groups of farm people, including men, women, boys and girls, into clubs for the improvement of agriculture and farm home life, and by conducting Extension Work through other means, all with the view of making farm life more profitable and attractive; and to aid in securing for Alabama the full amounts of all Federal funds conditionally appropriated to Alabama by the Congress of the United States under an Act approved May 8, 1914, and generally known as the Smith-Lever Act for Extension work in agriculture and home economics, and other related and supplementary acts; and to make appropriations for these purposes." (Approved September 2, 1935).

Delivered to the Governor, January 14, 1937, at 11:05 A. M.

Also:

S. 14. To amend Section 5 of an Act entitled, "An Act in relation to the educational system of Alabama; to make annual appropriations and provide funds for the support, maintenance and development of public education in Alabama, for the fiscal years ending September 30, 1936, 1937, 1938 and 1939, including all schools, agencies, services and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, the Alabama School of Trades & Industries, the Alabama College, the Alabama Polytechnic Institute and the University of Alabama, (Approved September 2, 1935".

Delivered to the Governor, January 14, 1937, at 11:05 A.M.

Also:

S. 15. To repeal Article 10 of the Code of Laws for the State of Alabama prepared in accordance with the provision of the Acts approved February 18, 1927 (H. 273 Goode) as amended by act approved January 31, 1935, known as H. 61. Harrison, and which pertains to the Agriculture and Industries and relating to subjects which are administered by, concern or relate to the duties of the Commissioner of Agriculture and approved for the indexing, publication, sale and distribution of said Code, which is to be known as the Agricultural Code of Alabama, and which Act became effective by a proclamation by the Governor on Oct. 1, 1927.

Delivered to the Governor, January 15, 1937, at 11 A. M.

Also:

S. 24. To amend Sections 1, 2, 5, and 6 of an Act entitled "An Act to Promote the Objects of the National Housing Act by authorizing banks, savings banks, trust companies, insurance companies and building and loan associations to make loans pursuant to Titles I and II of the National Housing Act, and by authorizing banks, savings banks, trust companies, insurance companies, building and loan associations, to invest in mortgages insured, and in debentures issued, by the Federal Housing Administrator, and to invest in securities of National Mortgage Associations." approved January 31, 1935, as amended by an Act approved August 15, 1935, and as further amended by an Act approved April 15, 1936, for clarification purposes.

Delivered to the Governor, January 26, 1937, at 11:50 A. M.

Also:

S. 47. To regulate and provide for school financing, school warrants and school tax elections and to safeguard the credit of county and city boards of education by authorizing county and city boards of education to issue warrants for the purpose of funding certain valid indebtedness, by validating, ratifying approving and confirming certain warrants heretofore issued by any county or city board of education, by authorizing the issuance of warrants to refund certain of said warrants, and by validating, ratifying, approving and confirming certain school tax elections and to repeal conflicting laws.

Delivered to the Governor, January 28, 1937, at 12:47 P. M.

Also:

S. 85. To Alter and rearrange the boundaries of the town of Mignon, Talladega County, Alabama.

Delivered to the Governor, February 2, 1937, at 12:15 P. M.

Also:

S. 86. To authorize and empower the Board of County Commissioners of Pike County, Alabama, to transfer and assign, sell or pledge not more than one-third ($1/3$) of the County's part of the Gasoline taxes now or hereafter levied by the State of Alabama and divided among the sixty-seven counties of the state, for a period not exceeding fifteen years, and to authorize the issuance and sale of warrants, securities; debentures or assignments of said taxes, and to provide for the payment of such warrants, debentures, securities or assignments out of such county's part of such gasoline taxes; and to provide for the use of such proceeds of sale of such securities in the construction, maintenance, repair surfacing, hard surfacing, or re-surfacing of roads and bridges, and the matching of funds with the State of Alabama and/or the United States of America, for Highway and Bridge purposes; and to further provide for authority for the County for the deposit of such proceeds with the State of Alabama for Highway or bridge purposes.

Delivered to the Governor, February 2, 1937, at 12:15 P. M.

Also:

S. 43. To amend Section 2 of an Act of the Legislature approved July 10, 1935, entitled "An Act to provide for the general revenue of the State of Alabama." Acts 1935, page 256.

Delivered to the Governor, February 4, 1937, at 11:15 A. M.

Also:

S. 105. To amend an act entitled an Act "To create and establish a Board of Revenue in and for Limestone County, Alabama, to be composed of five members, one of whom shall be chairman of said board; to fix the qualifications of the chairman and the members of said board, to provide where the chairman and members of said board shall reside during their term of office; to abolish the Court of County Commissioners of said County; to divide said County into four districts and to define the boundaries of each of said districts; to designate, declare and appoint a member from each of said districts and to define the term of office of each of said members of the Board of Revenue so designated, declared and appointed; to provide for the appointment of the chairman of said board and to fix the term of his office under said appointment; to provide for the filling of vacancies in said board; to provide for the nomination of the chairman and each member of said board; to

provide for the election of the chairman of the said board and the members designated, declared and appointed by this Act at the expiration of their respective terms of office; to define the power and jurisdiction of the said board; to fix the compensation of the chairman and members of said board; to confer upon the said board all the jurisdiction, power and authority granted by law to Courts of County Commissioners, Boards of Revenue or other governing bodies of like name or authority in this State; to repeal all laws in conflict with this Act, approved July 27, 1931, by amending Sections 5 and 22 of said Act.

Delivered to the Governor, February 12, 1937, at 10:40 A. M.

Also:

S. 5. To define homesteads as herein used and to exempt such homesteads from such State ad valorem taxation.

Delivered to the Governor February 16, 1937, at 11:20 A. M.

Also:

S. 59. To declare all banks incorporated under the laws of Alabama to be instrumentalities of the State of Alabama, and to require such banks to perform certain specified service for the State and its subdivision in addition to all other duties now required of them.

Delivered to the Governor February 16, 1937, at 11:20 A. M.

Also:

S. 116. To create a Hospital Board for Walker County, prescribe its duties, to authorize the equipment and operation of the County owned Hospital and Nurses Home, to require the chairman and superintendent to give bond, conditioned as provided by law for official bonds, to fix the salary of the superintendent and other employees, to appropriate out of the general funds of the said County, \$1,000.00 per month, and provide the manner of its payment, for the care and treatment of indigent patients of said county, to provide for the appointment of members of said Hospital Board, and their qualifications, and to pass on the necessity of indigent patients needing hospitalization, and to fix charges for pay patients, and to provide that the present members of the Hospital Board as now constituted, shall serve the remainder of their terms of office under their present appointment by the Board of Revenue, and to make the said appropriations a preferred claim against the County.

Delivered to the Governor February 16, 1937, at 11:20 A. M.

Also:

S. 17. To appropriate annually the sum of One and one-half Million Dollars (\$1,500,000.00) or so much thereof as may be necessary, for the years 1936-37, 1937-38, and 1938-39 out of the General Fund to meet any deficit in the Alabama Special Educational Trust Fund.

Delivered to the Governor February 18, 1937, at 12:12 P.M.

Also:

S. 104. To authorize and require Southern Railway Company, as successor to Florence Bridge Company, to discontinue maintenance and operation of the vehicular or highway portion of the bridge of the said Southern Railway Company across the Tennessee River between the cities of Florence and Sheffield, upon the completion and opening for traffic by the Highway Bridge Commission, Inc., of Alabama of a vehicular or highway bridge in the vicinity of said existing bridge to serve traffic between said cities, and to authorize Southern Railway Company to continue the maintenance and operation of said bridge for railroad purposes.

Delivered to the Governor February 23, 1937, at 9:45 A.M.

Also:

S. 110. To provide additional compensation for judges of the circuit court in judicial circuits of this state now or hereafter having two judges and now or hereafter composed of five counties, one of said counties having a population of not less than 55,000 according to the last or any succeeding Federal census, and to provide the way and manner of paying the same.

Delivered to the Governor February 23, 1937, at 9:45 A.M.

Also:

S. 16. To set up in the State Treasury a Property Tax Relief Fund and to provide for its distribution.

Delivered to the Governor February 23, 1937, at 9:45 A.M.

Also:

S. 109. To provide that in all counties in the State of Alabama with a population of not less than 20,100, nor more than 20,500, according to the last or any subsequent Federal Census, the per diem and mileage and any and all other compensation which is now provided or may hereafter be provided by law for the members of the Commissioners Court, Board of Revenue or like governing body, shall be paid out of the proceeds of the gasoline excise tax

fund accruing to the respective counties from the State of Alabama while the members of said bodies are engaged in the performance of their duties in connection with the supervision, construction, maintenance and/or repair of the public roads and/or bridges in their respective counties; to provide that nothing herein contained shall be construed as changing the per diem and mileage, or any and all other compensation which is now provided, or which may hereafter be provided by law for the members of said bodies in said counties; to repeal all laws and parts of laws, general, special and local in conflict herewith; and to provide for the effective date of this Act.

Delivered to the Governor February 23, 1937, at 11:16 A.M.

Also:

S. 143. To amend the Title and Sections 12, 16, 17 and 18 of an Act entitled "An Act relating to dependent, neglected or delinquent children in all counties of Alabama, which now have or which may hereafter have a population of not less than seventy-five thousand people and not more than one hundred thousand people according to the last Federal Census or any such census that may be taken hereafter; to declare who are dependent, neglected or delinquent children, to declare that such children shall be wards of the State, to provide for their custody, discipline, supervision, care, protection, guardianship, and welfare; to create and establish in such counties Juvenile and Domestic Relations Courts and to provide for their equipment and maintenance; to create and confer upon such courts jurisdiction under the terms of this act; to try and determine the question on dependency, neglect or delinquency of children in such counties; and when found to be such to adjudicate and determine all questions as to their guardianship, custody, supervision, discipline, care, control, protection and training, and generally to confer upon such court jurisdiction and power to try and determine all questions arising under the terms of this act, or which may otherwise be referred to them by law for adjudication, or which may be necessary or convenient to the exercise of such jurisdiction or to carry out the purposes and intent of this act; to provide for the trial and punishment of those who aid, abet, cause or connive at or contribute to the delinquency, neglect or dependency of such children; to provide and regulate the procedure in such cases; to confer power upon such courts to make rules and regulations; and to provide such forms when not otherwise provided for, under the terms of this act as shall be found necessary or convenient to the exercise of its jurisdiction or for the conduct of probation officers or their work, as provided for in this act; to provide for the taking and enforcing of recognizances and bonds and for the taking of

appeals from the decisions of such court; to provide for the trial of any delinquent in a criminal court of competent jurisdiction who has shown himself or herself to be unamenable to the discipline provided for such delinquent as provided under the terms of this act; and for the appointment of an Advisory Board to such court and to define the duties and powers of such court; to provide for the selection of the Judge and other Officers of such court and to define their powers and duties; and to provide for their compensation; to declare that should any part of this act be found unconstitutional that it shall not effect the remainder thereof and to provide for the repeal of all laws in conflict with this act." (Approved February 26, 1931 and as amended by an Act approved January 31, 1935)

Delivered to the Governor February 23, 1937, at 11:16 A.M.

Also:

S. 59. To declare all banks incorporated under the laws of Alabama to be instrumentalities of the State of Alabama, and to require such banks to perform certain specified service for the State and its subdivision in addition to all other duties now required of them.

Delivered to the Governor February 23, 1937, at 4:10 P.M.

Also:

S. 107. To establish juvenile courts in all counties in the State of Alabama now having a population of not less than 36,880 nor more than 36,890 according to the federal census of 1930, defining their powers and jurisdictions and providing for the process and procedure of said courts; for the appointment of the judge of such courts; their terms of office and salary; and defining their duties; and providing for the payment of the expenses of such courts by the Boards of County Commissioners or by whatever name they shall be known in said Counties; and providing for the detention of juvenile delinquents and dependents and neglected children; and providing for the protection of said children against disqualification or prejudice on account of judgment or order of said court or any confession, statement, declaration or admission or silence or demeanor of said juveniles.

Delivered to the Governor February 23, 1937, at 6:10 P.M.

Also:

S. 64. To make an appropriation to provide for carrying out the provisions of an Act approved August 1, 1931, entitled "An Act to provide for educational opportunities for the children of

soldiers, sailors and marines who were killed in action or died during the World War; to provide an appropriation, to define its uses and administration."

Delivered to the Governor February 24, 1937, at 11:25 A.M.

Also:

S. 80. To amend the caption and Sections 2, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16 and 18 and to repeal Sections 21, 22 and 23 of an Act entitled, "An Act to establish a more humane system for caring for the needy aged in the State of Alabama and the several counties thereof by providing for old age pensions; to define the persons entitled thereto, and to provide for the ascertainment and determination of the qualifications of applicants therefor; to further provide for and regulate the payment of pensions under Article I of Chapter 55 of the Code of Alabama of 1923, as amended; to provide for the payment thereof; to make an appropriation for the same; to provide for a lien on the property of certain recipients of old age pensions and to provide for the enforcement thereof, to provide for the administration of such system and to define offenses against this Act and to fix punishment for such offenses; and to provide for cooperation with the Government of the United States and its agencies in caring for the needy aged; and to repeal all laws in conflict herewith," approved September 14, 1935.

Delivered to the Governor February 24, 1937, at 3:20 P.M.

Also:

S. 81. To repeal an Act entitled, "An Act to amend an Act to establish a more humane system for caring for the needy aged in the State of Alabama and the several counties thereof by providing for old age pensions; to define the persons entitled thereto, and to provide for the ascertainment and determination of the qualifications of applicants therefor; to further provide for and regulate the payment of pensions under Article 1 of Chapter 55 of the Code of Alabama of 1923, as amended; to provide for the payment thereof; to make an appropriation for the same; to provide for a lien on the property of certain recipients of old age pensions and to provide for the enforcement thereof, to provide for the administration of such system and to define offenses against this Act and to fix punishment for such offenses; and to provide for cooperation with the Government of the United States and its agencies in caring for the needy aged; and to repeal all laws in conflict herewith, Approved April 21, 1936."

Delivered to the Governor February 24, 1937, at 3:30 P.M.

Also:

S. 54. To provide for State registration of Medical Technicians.

Delivered to the Governor February 26, 1937, at 11 A.M.

Also:

S. 124. To amend Section 20 of an Act entitled, "An Act to provide for the promotion, encouragement, development and regulation of air navigation, air navigation aids and facilities, airmen and aircraft; to provide for the survey, location, mapping and development of State Airways and Airway Facilities; to provide for the registration and issuance of permits to operators, aircraft and airmen, suspension and revocation of such permits; to provide for the encouragement of the location in the State of Aeronautical industries; to create a commission for the administration of this Act and for the enforcement of the laws of the State of Alabama and of the rules and regulations established by said Commission; to define and describe the powers, duties, responsibilities and privileges of said Commission; and to make an appropriation for the purpose of this Act", approved September 13, 1935.

Delivered to the Governor February 26, 1937, at 11 A.M.

Also:

S. 32. To appropriate the sum of three hundred fifty thousand dollars (\$350,000), from the treasury of the State of Alabama; to designate the purpose of and to whom said appropriation shall be made; and to provide when same shall be paid and how the same shall be expended.

Delivered to the Governor February 26, 1937, at 11 A.M.

Also:

S. 33. To appropriate the sum of one hundred and fifty thousand dollars (\$150,000), from the treasury of the State of Alabama; to designate the purpose of and to whom said appropriation shall be made; and to provide when same shall be paid and how the same shall be expended.

Delivered to the Governor February 26, 1937, at 11 A.M.

Also:

S. 45. To provide for and regulate the issuance and dissolution of an injunction for failure to pay in full as due all municipal privilege license or excise tax and to provide remedies for collecting the same; to provide for an appeal; to make this remedy cumulative; and to provide when this act shall become effective.

Delivered to the Governor February 26, 1937, at 11 A.M.

Also:

S. 67. To amend sub-section 11 of Section 303 of the Code of Alabama of 1923.

Delivered to the Governor February 26, 1937, at 11 A.M.

Also:

S. 68. To amend sub-section 13 of Section 303 of the Code of Alabama of 1923.

Delivered to the Governor February 26, 1937, at 11 A.M.

Also:

S. 75. To amend Schedule 22 of Section 348, Article XIII, Chapter 1, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935, Schedule 22-B.

Delivered to the Governor February 26, 1937, at 11 A.M.

Also:

S. 83. To prevent the use of revenue, less the cost of collection, obtained from taxes on lubricating oil, gasoline, naphtha, and other liquid motor fuels or any device or substitute therefor, commonly used in internal combustion engines as is provided for in Schedule 156.1 of House Bill 324, Approved July 10, 1935, for any purposes other than for the construction, improvement, and maintenance and supervision of highways and bridges and streets, including the retirement of bonds for the payment of which such revenues have been pledged, and for no other purposes.

Delivered to the Governor February 26, 1937, at 11 A.M.

Also:

S. 109. To provide that in all counties in the State of Alabama with a population of not less than 20,100, nor more than 20,500, according to the last or any subsequent Federal Census, the per diem and mileage and any and all other compensation which is now provided or may hereafter be provided by law for the members of the Commissioners Court, Board of Revenue or like governing body, shall be paid out of the proceeds of the gasoline excise tax fund accruing to the respective counties from the State of Alabama while the members of said bodies are engaged in the performance of their duties in connection with the supervision, construction, maintenance and/or repair of the public roads and/or

bridges in their respective counties; to provide that nothing herein contained shall be construed as changing the per diem and mileage, or any and all other compensation which is now provided, or which may hereafter be provided by law for the members of said bodies in said counties; to repeal all laws and parts of laws, general, special and local in conflict herewith; and to provide for the effective date of this Act.

Delivered to the Governor February 26, 1937, at 11 A.M.

Also:

S. 126. To empower Boards of Education in Counties, where the maximum salary of the Superintendent of Education is prescribed by law, to fix, approve, and authorize the payment of the traveling expenses incurred by the Superintendent in the performance of his official duties within the county and the expenses incurred by him when his official duties require him to go outside of the County; to require Superintendents of Education to prepare and file on forms to be prescribed by the State Board of Education a certified itemized statement of the expenses incurred; and to provide that the payment of the expenses hereby authorized shall not constitute a part of the official salary of such Superintendents.

Delivered to the Governor February 26, 1937, at 11 A.M.

Also:

S. 140. To amend Section 989 of the Code of Alabama of 1923.

Delivered to the Governor February 26, 1937, at 11 A.M.

Also:

S. 90. To provide for and submit to the qualified electors of the State of Alabama, at an election to be held on the second Tuesday next after the expiration of three months from the date of the final adjournment of the present session of the Legislature, an amendment to the Constitution of Alabama authorizing Limestone County to levy and collect a tax of one mill, for use in malaria control work, in addition to all taxes now authorized.

Delivered to the Governor February 26, 1937, at 8:25 P.M.

Also:

S. 2. To repeal an Act entitled an Act "For the protection of human beings against rabies, to require inoculation against rabies of all dogs running at large, to provide for the apprehension and disposition of dogs running at large which have not been inoculated in accordance with the provisions of this Act, to provide for the confinement of bitten dogs, and dogs that have bitten human

beings, to provide a means of enforcement of the provisions of this act, the appointment of a Rabies Inspector, to fix fees for inoculation of dogs, and to fix penalties for the violation of the provisions hereof," approved September 13, 1935.

Delivered to the Governor February 26, 1937, at 8:25 P.M.

Also:

S. 53. To amend Section 2 of an Act approved April 10th, 1936 entitled "An Act to amend Schedule 158 of Chapter 6, Article 13 of 'An Act to provide for the General Revenue of the State of Alabama', approved July 10, 1935".

Delivered to the Governor February 26, 1937, at 8:25 P.M.

Also:

S. 71. For the protection of human beings against rabies, to require inoculation against rabies of all dogs running at large, to provide for the apprehension and disposition of dogs running at large which have not been inoculated in accordance with the provisions of this Act, to provide for the confinement of bitten dogs, and dogs that have bitten human beings, to provide a means of enforcement of the provisions of this Act, the appointment of a Rabies Inspector, to fix fees for inoculation of dogs, and to fix penalties for the violation of the provisions hereof.

Delivered to the Governor February 26, 1937, at 8:25 P.M.

Also:

S. 125. To amend Sections 1, 5, 7, 8, 9, 14, 16, 19, 20, 24 and 35 of an Act of the Legislature of Alabama, approved March 29, 1933, entitled "An Act to authorize any county, city or incorporated town of the State of Alabama, subject to the limitations herein stated, to purchase or construct a waterworks system, water supply system, sewer system, sanitary disposal equipment and appliance, or gas system, and in furtherance thereof to purchase or construct any necessary part of any such system either within or without the limit of such county, city or incorporated town, as the case may be; and to authorize any county, city or incorporated town of the State of Alabama now or hereafter owning and operating any such system to improve, enlarge, extend or repair the same; and for any such purpose or purposes to authorize any such county, city or incorporated town to issue revenue bonds payable solely from the revenues derived from the operation of any such system or systems; to regulate the issuance, sale, retirement, and refunding of such bonds and of other matters in connection therewith; to regulate the use of the revenues of such system or

systems when such bonds are issued or outstanding; to provide for the operation of any such system or systems in case of deficiencies in such revenues; to confer upon the State Board of Health certain powers with reference to any such sewer system; and for other purposes," as heretofore amended.

Delivered to the Governor February 26, 1937, at 8:25 P.M.

Also:

S. 142. To amend Sections 10304 and 10306 of the Code of 1923.

Delivered to the Governor February 26, 1937, at 8:25 P.M.

Also:

S. 150. To relieve all persons in all Counties of the State of Alabama with a population of not less than 17,800 nor more than 19,300 according to the last or any subsequent Federal Census of any legal obligations to work on the public roads or streets of their respective Counties, or of paying any money in lieu of such legal obligation for work on the public roads or streets of their respective Counties.

Delivered to the Governor February 26, 1937, at 8:25 P.M.

Also:

S. 22. To prohibit the driving of motor vehicles by habitual users of narcotic drugs and habitual drunkards, and by persons intoxicated by liquor or narcotic drugs; to provide penalty for the violation of this Act.

Delivered to the Governor February 26, 1937, at 8:25 P.M.

Also:

S. 95. To relieve Crenshaw County, Alabama from the payment of that certain warrant number 1458 of said County in favor of the Highway Commission of Alabama, for revision of the Lu-verne and Troy Highway.

Delivered to the Governor February 26, 1937, at 8:25 P.M.

Also:

S. 136. To provide for an increase in the salaries of firemen and policemen in incorporated cities of the State of Alabama now or hereafter subject to or governed by a commission created or elected under and by authority of the General Act of Alabama of 1911, page 330 by setting aside or appropriating for such purpose

one-half of the monies derived by each such city under the terms of the Alcoholic Beverage Control Act of this State, and to fix the method by which the salaries of said firemen and policemen may be increased.

Delivered to the Governor February 26, 1937, at 8:25 P.M.

Also:

S. 139. To amend Section 9997 of the Code of Alabama of 1923.

Delivered to the Governor February 26, 1937, at 8:25 P.M.

Also:

S. 141. To appropriate from the General Fund of the State the sum of \$6500.00, or so much thereof as may be needed, to pay removal bills of prisoners because of insufficient appropriation for this purpose.

Delivered to the Governor February 26, 1937, at 8:25 P.M.

J. E. Speight,
Secretary.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and, on motion of Mr. Tucker, said report was concurred in and ordered spread upon the Journal.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Thirtieth Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the Thirtieth Legislative day approved by the Senate.

ADJOURNMENT SINE DIE

At 10:10 P. M., on motion of Mr. Tucker the Senate adjourned
Sine Die.

THOMAS E. KNIGHT, JR.,
Lieutenant-Governor and President
and Presiding Officer of the Senate.

ATTEST:

J. E. SPEIGHT,
Secretary.

ROSTER OF THE SENATE OF ALABAMA

SECOND SPECIAL SESSION, 1936

THOMAS E. KNIGHT, JR., Lieut. Governor
Montgomery, Ala.

D. H. RIDDLE, President Pro Tem.
Talladega, Ala.

J. E. SPEIGHT, Secretary
Montgomery, Ala.

T. L. AUSTIN, Asst. Secretary
Wetumpka, Ala.

MRS. LULA S. THOMPSON,
Enrolling-Engrossing Clerk
Montgomery, Ala.

H. G. EARNEST, Doorkeeper
Montgomery, Ala.

FIRST DISTRICT

(Lauderdale and Limestone Counties)

L. A. Weaver.....Rogersville, Ala.

SECOND DISTRICT

(Lawrence and Morgan Counties)

Vernon L. St. John.....Moulton, Ala.

THIRD DISTRICT

(Blount, Cullman and Winston Counties)

F. G. Stephens.....Oneonta, Ala.

FOURTH DISTRICT

(Madison County)

S. H. Richardson.....Huntsville, Ala.

FIFTH DISTRICT

(Jackson and Marshall Counties)

I. J. Browder.....Scottsboro, Ala.

SIXTH DISTRICT

(Etowah and St. Clair Counties)

W. T. Starnes.....Pell City, Ala.

SEVENTH DISTRICT

(Calhoun County)

Maximillan B. Welborn.....Piedmont, Ala., R. F. D.

EIGHTH DISTRICT

(Talladega County)

D. Hardy Riddle.....Talladega, Ala.

NINTH DISTRICT

Chambers and Randolph Counties)

Will O. Walton.....Lafayette, Ala.

TENTH DISTRICT

(Elmore and Tallapoosa Counties)

W. Carvel Woodall.....Tallassee, Ala.

ELEVENTH DISTRICT
(Tuscaloosa County)

Hayse Tucker.....Tuscaloosa, Ala.

TWELFTH DISTRICT
(Fayette, Lamar and Walker Counties)

John A. Kuykendall.....Fayette, Ala.

THIRTEENTH DISTRICT
(Jefferson County)

James A. Simpson.....630 1st Nat'l Bank Bldg., Birmingham, Ala.

FOURTEENTH DISTRICT
(Pickens and Sumter Counties)

M. E. McConnell.....Livingston, Ala.

FIFTEENTH DISTRICT
(Autauga, Chilton and Shelby Counties)

Earle Thomas.....Maplesville, Ala., Rt. 1

SIXTEENTH DISTRICT
(Lowndes County)

R. L. Goldsmith.....Whitehall, Ala.

SEVENTEENTH DISTRICT
(Butler, Covington and Conecuh Counties)

J. L. Kelly.....Evergreen, Ala.

EIGHTEENTH DISTRICT
(Bibb and Perry Counties)

Judson C. Locke.....Marion, Ala.

NINETEENTH DISTRICT
(Choctaw, Clarke and Washington Counties)

H. L. Glover.....Leroy, Ala.

TWENTIETH DISTRICT
(Marengo County)

O. D. Carlton.....Thomaston, Ala.

TWENTY-FIRST DISTRICT
(Baldwin, Escambia and Monroe Counties)

G. R. Swift.....Atmore, Ala.

TWENTY-SECOND DISTRICT
(Wilcox County)

J. M. Bonner.....Camden, Ala.

TWENTY-THIRD DISTRICT
(Dale and Geneva Counties)

Dr. W. A. Parrish.....Midland City, Ala.

TWENTY-FOURTH DISTRICT
(Barbour County)

A. M. McDowell.....Eufaula, Ala.

TWENTY-FIFTH DISTRICT
(Coffee, Crenshaw and Pike Counties)

W. H. Stoddard.....Luverne, Ala.

TWENTY-SIXTH DISTRICT
 (Bullock and Macon Counties)

Thomas S. Frazer..... Union Springs, Ala.

TWENTY-SEVENTH DISTRICT
 (Lee and Russell Counties)

Isham J. Dorsey..... Opelika, Ala.

TWENTY-EIGHTH DISTRICT
 (Montgomery County)

Floyd Mooneyham..... Montgomery, Ala.

TWENTY-NINTH DISTRICT
 (Cherokee and DeKalb Counties)

Webb Chesnut..... Gaylesville, Ala.

THIRTIETH DISTRICT
 (Dallas County)

Edgar P. Russell..... Selma, Ala.

THIRTY-FIRST DISTRICT
 (Colbert, Franklin and Marion Counties)

W. B. Mixon..... Hackleburg, Ala.

THIRTY-SECOND DISTRICT
 (Greene and Hale Counties)

H. A. Taylor..... Greensboro, Ala.

THIRTY-THIRD DISTRICT
 (Mobile County)

C. M. A. Rogers..... Mobile, Ala.

THIRTY-FOURTH DISTRICT
 (Clay, Cleburne and Coosa Counties)

Grady W. Cook..... Heflin, Ala.

THIRTY-FIFTH DISTRICT
 (Henry and Houston Counties)

D. A. Walden..... Headland, Ala.

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ABSENTEE BALLOTS—

To repeal an act further regulating, S. 35, pages 58, 71, 207.

ABSENTEE VOTING—

To further regulate, S. 84, pages 195, 226, 409.

ACTS AMENDED—

- To amend Sec. 7 of Act No. 102 Extra Session of 1933, S. 56, pages 84, 110, 221.
- To amend Sec. 6 of an Act to amend an Act to amend an Act amending Secs. 1574, 1757, 1760 and 1894 of Code, S. 46, pages 74, 119, 401.
- To amend Sec. 1 of an Act providing for extension work in Agriculture. S. 13, pages 36, 61, 99, 162, 345, 375, 964.
- To amend Secs. 2, 3, 4, 5, 6 and 8 of an Act making an appropriation for agricultural experiment Station at Auburn and for branch agricultural stations, approved Sept. 2, 1935, S. 3, pages 34, 59, 99, 154, 345, 374, 963.
- To amend Sec. 20 of an Act relating to air navigation, S. 124, pages 531, 552, 763, 875, 881, 898, 972.
- To amend an act approved June 6, 1935, to prohibit burglary, etc., S. 4, page 34.
- To amend Secs. 1, 2, 5 and 6 of an Act to promote the objects of the National Housing Act by authorizing banks, etc., to make loans, etc., approved Jan. 31, 1935, as amended, S. 24, pages 48, 84, 209, 429, 446, 965.
- To amend Sec. 42, Article IV of an Act relative to bonds, H. 106, pages 782, 820, 887, 912, 929.
- To amend Secs. 1 and 2 of Act approved April 21, 1936, authorizing governing bodies of counties to fund or refund indebtedness, H. 74, pages 124, 198, 390, 396, 414.
- To amend an Act approved Sept. 9, 1935, to better secure the administration of financial affairs of counties having a population of not more than 95,000, S. 60, pages 91.
- To amend an Act amending Secs. I through XII of an Act to regulate the occupation of Cosmetology in all counties having a population of 400,000 or more, H. 141, pages 358, 664, 851, 907, 925, 956.
- To amend title and Secs. 12, 16, 17 and 18 of an Act relating to dependent and neglected children, S. 143, pages 614, 640, 670, 780, 792, 969.
- To amend Sec. 5 of an Act in relation to the educational system of Alabama, S. 14, pages 37, 61, 76, 346, 375, 964.
- To amend Sec. 56 of an Act providing for and regulating Primary Elections by Political Parties, H. 110, pages 208, 226, 391, 414.
- To amend an Act to amend an Act to amend Section 56 of an Act regulating Primary Elections, S. 52, page 83.
- To amend Sec. 9 of an Act regulating the transportation, etc., of gasoline, H. 69, pages 166, 382, 718, 740.
- To amend an Act prescribing legal investments of trust funds by fiduciaries approved Feb. 8, 1935, H. 63, pages 126, 200, 491, 502, 536, 545, 546, 549.
- To amend Secs. 7 and 9 of an Act regulating sales, etc., of firearms, H. 161, pages 761, 795, 894, 912, 948.
- To amend Sec. 9 of an Act regulating Firearms, S. 106, page 467.
- To amend Sec. 7 of an Act creating Juvenile Courts in counties having not less than 95,000 and not more than 175,000, S. 62, pages 91, 120, 139, 339, 372, 962.

ACTS AMENDED—(Continued)

- To amend Sec. 17 of an Act establishing Jury Boards in counties, approved Feb. 20, 1931, H. 28, pages 81, 110, 184, 225.
- To amend Sec. 3 of an Act requiring two license tags, approved Sept. 14, 1935, H. 61, pages 112, 215, 393, 414.
- To amend an Act in relation to certain types of life insurance, approved August 9, 1935, H. 35, pages 562, 595, 945.
- To amend Sec. 2 of an Act prohibiting the writing of certain types of life Insurance, H. 377, pages 825, 849, 917, 929.
- To amend Sec. 7 of an Act relative to Boards of Revenue, etc., in counties of 300,000 or more, H. 364, pages 701, 728, 750, 776.
- To amend Sec. 7 of an Act abolishing the Board of Revenue in counties of 300,000 or more inhabitants, S. 144, pages 622, 668, 749.
- To amend Sec. 1 of an Act providing for a uniform system of collecting taxes on real estate so as to provide for a minimum population of not less than 200,000, S. 78, pages 175, 214, 348.
- To amend Sec. 1 of an Act providing for uniform system of collecting taxes on real estate so as to provide for a minimum population of not less than 200,000, H. 208, pages 362, 389, 443, 449.
- To amend an Act abolishing public school systems in counties between 75,000 and 100,000 so as to confer additional authority for refunding warrants, H. 147, pages 151, 180, 210, 225.
- To amend Sec. 2 of an Act creating the State Board of Adjustment, H. 266, pages 761, 820, 872, 885, 903.
- To amend Sub-division VI of Sec. 1 of an Act making appropriations for expenses for Departments of State, etc., H. 273, pages 428, 473, 610, 613, 647, 665.
- To amend Sec. 2 of an Act prescribing duties of county treasurer in counties of more than 200,000 approved Oct. 31, 1921, H. 160, pages 146, 213, 160, 377.
- To amend Secs. 6, 7, 9, 11 and 14 of an Act relative to Toll Bridges, H. 339, pages 697, 710, 789, 794, 808, 843.
- To amend Secs. 6, 7 and 8 of an Act providing for freeing Alabama highways of toll bridges, S. 129, page 532.
- To amend Sec. 1 of an Act to amend Sec. 51 of an Act relating to public highways, S. 50, pages 75, 389, 512.
- To amend Secs. 2, 4, 6 and 8 of an Act providing for Public Safety, S. 74, page 134.
- To amend Sec. 11 providing for public safety; requiring licenses for motor vehicle operators, etc., H. 105 pages 432, 474, 891, 900.
- To amend Sec. 10, to repeal Sec. 6 and to add Sec. 14 of an Act to provide for public safety on Highways, S. 21, page 42.
- To amend Caption and Secs. 2, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16 and 18 and to repeal Secs. 21, 22 and 23 of an Act establishing a more humane system for caring for needy aged, S. 80, pages 194, 473, 586, 850, 865, 971.
- To amend Caption and Secs. 2, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16 and 18 and to repeal Secs. 21, 22 and 23 of an Act establishing a more humane system for needy aged, H. 234, page 426.
- To amend Sec. 18 of an Act relating to unemployment compensation, S. 91, page 378.
- To amend Secs. 2, 5, 6 and 10 of an Act creating a system for unemployment compensation, H. 373, pages 771, 796, 868, 905.
- To amend Sec. 18 of an Act creating a system of unemployment compensation, H. 275, pages 431, 471, 504, 529.
- To amend Secs. 2, 3 and 4 of an Act relating to Veterans, S. 121, pages 499, 551, 747.

ACTS AMENDED—(Continued)

- To amend an Act providing for guardianship of incompetent veterans, etc., approved June 6, 1931, and further prescribe duties of fiduciaries appointed pursuant to said act, S. 29, page 50.
- To amend Secs. 2, 3 and 4 of an Act exempting disabled veterans from certain licenses, H. 178, pages 627, 639, 750, 775.
- To amend an Act providing for guardianship of incompetent veterans, H. 88, pages 609, 638, 918, 958.
- To amend Secs. 1, 5, 7, 8, 9, 14, 16, 19, 20, 24 and 35 of an Act relating to water works system as amended S. 125, pages 531, 639, 802, 913, 953, 975.

ACTS AMENDED—(General Revenue)

- To amend Chapt. 3 of Article 9 of the General Revenue Law, approved July 10, 1935, page 256 by striking out Sec. 320 and amending Sec. 332, S. 7, pages 35, 60, 112.
- To amend Chapt. 8 of Article 13 of the General Revenue Law, by repealing Schedule 160.21 and adding 160.23, S. 8, pages 35, 60, 116.
- To amend Sec. 345.34 of Article 11 of the General Revenue Law, S. 9, pages 36, 60, 116.
- To amend Chapt. 2 of Article 9 of the General Revenue Law, by adding Sec. 316.1, S. 11, pages 36, 60, 116.
- To amend Sec. 405 of the General Revenue Law, S. 12, pages 36, 61, 116.
- To amend Schedule 146 of Sec. 348 of Article XII, Chapt. 2 of the General Revenue Law, S. 19, pages 42, 61, 114.
- To amend Sec. 2 of the General Revenue Law, S. 43, pages 71, 86, 115, 544, 547, 966.
- To amend Schedule 156.9, Chapt. IV, Article XIII of General Revenue Law, S. 49, pages 75, 96, 713.
- To amend Sec. 2 of an Act to amend Schedule 158 of Chapt. 6, Article 13 of the General Revenue Law, S. 53, pages 84, 109, 220, 913, 953, 975.
- To amend Schedule 22 of Sec. 348, Article XIII, Chapt. 1 of the General Revenue Law by adding Schedule 22.B, S. 75, pages 134, 199, 408, 876, 899, 973.
- To amend Schedule 156 and 156.1 of Sec. 348 in Chapt. 4 of Article XIII of the General Revenue Law, S. 76, pages 135, 381, 714.
- To amend Section 368 of the General Revenue Law, S. 82, pages 194, 382, 511.
- To amend Sec. 5 of an Act to amend the General Revenue Law by adding Schedule 155.4A and Schedule 155.4B to Sec. 348, S. 96, pages 452, 504, 562.
- To amend Sec. 5 of an Act to amend the General Revenue Law by adding Schedule 155.4A and 155.4B to Sec. 348, S. 111, pages 468, 597, 663.
- To amend Sec. 5 of an Act to amend the General Revenue Law by adding Schedule 155.4A and 155.4B to Sec. 348, S. 113, pages 469, 597, 653.
- To amend Sec. 5 of an Act to amend the General Revenue Law by adding Schedule 155.4A and Schedule 155.4B to Sec. 348, S. 137, pages 550, 598, 663.
- To amend Schedule 158.1 of the General Revenue Law, as amended by Act amending Schedule 158.1 of General Revenue Act approved Sept. 21, 1935, H. 21, pages 117, 135, 393, 396, 414, 492, 527.
- To amend the General Revenue Law approved July 10, 1935, by adding Schedule 155.4A and Schedule 155.4B to Sec. 348, H. 30, pages 79, 86, 95, 99, 123, 125, 130.
- To amend Sec. 338 and 344 of the General Revenue Law, approved July 10, 1935, H. 34, pages 329, 383, 483, 522, 575, 593.
- To amend Sec. 370-A of the General Revenue Law, H. 36, pages 165, 473, 517, 527.

ACTS AMENDED—(General Revenue)—(Continued)

- To amend Sec. 161-A of the General Revenue Law, H. 37, pages 166, 472, 517, 527.
- To amend Sec. 23 of the General Revenue Law, H. 38, pages 166, 472, 516, 527.
- To amend Sec. 348 of Article XIII, Chapt. 1 of the General Revenue Law, H. 40, pages 226, 473, 888, 900.
- To amend Schedule 158.5 of Chapt. 6, Article 13, of the General Revenue Law, H. 42, pages 111, 199, 456, 463, 465, 601, 613.
- To amend Schedule 12 of Sec. 348 of Chapt. 1, Article XIII of the General Revenue Law, H. 46, pages 398, 473, 838, 879, 900.
- To amend Schedule 158.3 of Chapt. 6, Article 13 of the General Revenue Law, as amended by Act amending Schedule 158.3 of General Revenue Law, approved Sept. 14, 1935, H. 52, pages 825, 848, 947, 958.
- To amend Schedule 154, Article XIII, Chapt. 1, of Sec. 348 of the General Revenue Law, H. 70, pages 111, 135, 410, 429, 447.
- To amend Schedule 155.7, Sec. 348, Article XIII, Chapt. 3, of the General Revenue Law, H. 72, pages 432, 473, 658, 665.
- To amend Schedule 7 of Sec. 348 of Article 13, Chapt. 1 of the General Revenue Law, H. 75, pages 818, 849, 946, 997.
- To amend Sec. 145 of Article 5 of the General Revenue Law, H. 87, pages 181, 199, 457, 465.
- To amend Sec. 47 of the General Revenue Law, H. 135, pages 620, 756, 951.
- To amend Schedule 133 of Sec. 348, Article 13 of the General Revenue Law, H. 159, pages 659, 819, 933, 948, 958.
- To amend Schedule 158.21 of Article 13, Chapt. 6 of the General Revenue Law, H. 167, pages 624, 694, 873, 901.
- To amend Schedule 158.22 of Article 13, Chapt. 6 of the General Revenue Law, H. 168, pages 627, 694, 873, 901.
- To amend Schedule 158.9 of Sec. 348 of the General Revenue Law, H. 177, pages 771, 819, 946, 957.
- To amend Schedule 146 of Sec. 348 of Article 13, Chapt. 1 of the General Revenue Law, H. 180, pages 782, 819, 932, 960.
- To amend Sec. 348 of the General Revenue Law, H. 182, pages 798, 849, 946, 959.
- To amend Schedule 100 of Sec. 348, Article XIII of the General Revenue Law, H. 206, pages 760, 795, 932, 956.
- To amend Schedule 96 of Sec. 348 of the General Revenue Law, H. 214, pages 785, 819, 893, 903.
- To amend Schedule 29 of Sec. 348 of Article XIII, Chapt. 1 of the General Revenue Law, H. 228, pages 606, 727, 944, 960.
- To amend Subdivision (m) of Sec. 3 of Article I of the General Revenue Law, H. 283, pages 785, 819, 895, 904.
- To amend Schedule 106 of Sec. 348 of the General Revenue Law, H. 330, pages 615, 694, 869, 885, 905.

ACTS REPEALED

- To repeal an Act for protection of humans against rabies, inoculation of dogs and the appointment of a Rabies Inspector, etc., S. 2, pages 34, 62, 201, 911, 953, 974.
- To repeal Sec. 6 of an Act authorizing issuance of refunding bonds and to make an appropriation to meet deficiencies in sinking fund and for expenses of said bonds, S. 10, pages 36, 60, 116.
- To repeal Sec. 6 of an Act relating to public safety on Highways, approved Sept. 2, 1935, S. 21, page 42.
- To repeal an Act to further regulate absentee ballots, approved April 19, 1933, S. 35, pages 58, 71, 207.

ACTS REPEALED—(Continued)

- To repeal an Act regulating sale, etc., of certain types of firearms, S. 73, page 134.
- To repeal an Act to amend an Act to establish a more humane system for caring for needy aged, S. 81, pages 194, 474, 587, 850, 865, 910, 971.
- To repeal an Act providing for setting of non-jury civil cases in Judicial Circuits, H. 116, page 327.
- To repeal an Act regulating practice of cosmetology in counties of 400,000 or more, H. 175, page 356.
- To repeal an Act regulating business of money brokers in Jefferson, Morgan, Walker and Etowah Counties, H. 219, page 330.
- To repeal Secs. 21, 22 and 23 of an Act establishing a more humane system for needy aged, H. 234, page 426.
- To repeal an Act relative to care of needy aged, approved April 21, 1936, H. 235, page 432.

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- Exempting incompetent veterans from, to the value of \$2000.00, H. 80, pages 398, 472, 515, 527, 851.
- Exempting Homesteads from—, S. 5, pages 35, 59, 98, 667, 704, 712, 967.
- Exempting incompetent veterans, to the amount of \$1000.00 from, S. 37, page 58.

AGRICULTURAL EXPERIMENT STATION—

- To amend Secs. 2, 3, 4, 5, 6, 7, and 8 of an Act to make an appropriation for, S. 3, pages 34, 59, 99, 158, 345, 374, 963.

AGRICULTURAL EXTENSION—

- To amend Sec. 1 of an Act to provide for, S. 13, pages 36, 61, 99, 162, 345, 375, 964.

ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD—

- Confirmation of Appointment of, page 645.

ALABAMA BOYS INDUSTRIAL SCHOOL—

- Appropriating the sum of \$2,000 to, S. 149, page 738, 795, 950.

ALABAMA SCHOOL OF DEAF AND BLIND—

- Confirmation of Appointment of Trustees of, page 908.

ALABAMA SPECIAL EDUCATIONAL TRUST FUND—

- To appropriate \$1,500,000 out of General Fund to meet deficit in, S. 17, 17, pages 37, 61, 184, 744, 754, 968.

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- Creating and defining, H. 44, pages 97, 176, 178, 188, 228, 272, 278, 291, 340, 417, 444, 461, 485, 526, 539, 545, 548, 642, 645.
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- Providing free scholarships in certain cases, H. 89, pages 145, 213, 411, 429, 447.
- To provide for the granting of, S. 28, pages 49, 95, 202.

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For relief of, H. 298, pages 701, 727, 893, 904.

APPROPRIATIONS—

- Appropriating \$500 for annual encampment of reunion of Alabama Dept., United Spanish War Veterans, H. 27, pages 453, 472, 512, 527.
- Appropriating \$250,000 to defray expenses of present Legislature, H. 79, pages 80, 110, 165, 172.
- To make an appropriation to State Dept. of Public Welfare for needy aged, H. 184, pages 659, 727, 871, 885, 903.
- For facilities for insane and tubercular, H. 351, page 647.
- To erect Confederate memorial to Emma Sansom, H. 17, page 826.
- To the United Daughters of the Confederacy of Alabama for erection of monument, H. 368, pages 815, 849, 942, 960.
- Appropriating \$1,500,000 out of General Fund to meet deficit in Alabama Special Educational Trust Fund, S. 17, pages 37, 61, 184, 744, 754, 968.
- To appropriate \$350,000 to Insane Hospitals, S. 32, pages 57, 381, 733, 885, 898, 972.
- To appropriate \$150,000 to board of Partlow State School for certain purposes, S. 33, pages 58, 381, 652, 880, 898, 972.
- To make an appropriation for carrying out provisions of an Act providing for education of certain orphans, S. 64, pages 93, 551, 658, 829, 843, 970.
- To provide for construction of elevator in capital and to make an, S. 70, pages 119, 135, 368.
- To appropriate \$5,000 to advertise Alabama at Legion Convention and World's Fair in New York, S. 103, page 466.
- An additional appropriation for law enforcement, S. 108, page 468.
- To appropriate \$6500.00 for removal bills of prisoners, S. 141, pages 595, 756, 805, 940, 954, 977.
- To appropriate \$2,000.00 to the Alabama Boys Industrial School, S. 149, pages 738, 795, 950.

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- Designating as custodian of funds in counties of 15,000, H. 225, pages 307, 598, 669, 711.

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To provide for compensation of County Commissioners' Board members out of Gasoline Tax fund in, H. 222, pages 301, 597, 655, 665, 783, 794.

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For the relief of, H. 170, pages 328, 389, 443, 447.

BRIDGE CORPORATIONS—

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CALHOUN COUNTY—

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To provide a fund for support of law library of, S. 58, pages 89, 120, 138, 339, 372, 962.

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To prohibit making of false written statements of, S. 26, pages 49, 72, 78.

CHILTON COUNTY—

Authorizing the installation of refrigerator compressors in Court House by Courts of County Commissioners of, H. 374, pages 782, 797, 861, 906.
To provide for relief of W. G. Culp, H. 186, pages 798, 849, 946, 959.
To provide for relief of W. G. Culp, H. 189, pages 302, 388, 441, 448.
To provide for relief of J. T. Rockett, H. 188, pages 305, 388, 441, 448.
To provide for relief of J. T. Rockett, H. 187, pages 302, 388, 441, 448.

CHOCTAW COUNTY—

To authorize the payment to the members of the Court of County Commissioners \$75.00 each per month out of Gasoline Tax Fund, H. 153, pages 148, 385, 479, 597, 655, 665, 722, 740.

CIVIL SERVICE—

To create and establish a state wide system of, S. 6, pages 35, 62, 200, 577, 628.

CLARKE COUNTY—

Authorizing the purchase of office equipment by the County School Commission of, H. 366, pages 742, 777, 824, 844.

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Authorizing the supervisions of road and bridge work by Courts of County Commissioners of, H. 342, pages 662, 727, 749, 776, 813, 843.

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Section 21, H. 248, pages 351, 469, 841, 886.
Section 54 as amended, H. 296, pages 759, 780, 951.
Section 303 Sub-section 11, S. 67, pages 95, 469, 586, 882, 899, 973.
Section 303 Sub-section 13, S. 68, pages 95, 469, 585, 882, 899, 973.
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Section 303 Sub-section 13, H. 156, pages 824, 849, 950.
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Section 4039, H. 33, pages 831, 848, 951.
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Section 6699, H. 114, page 328.
Section 6766, H. 158, pages 831, 849, 947, 956.
Section 6766, S. 66, page 94.
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Section 7020, S. 127, page 532.
Section 7020, S. 51, page 75.
Section 7407 Sub-section 7 as amended by acts of extra session of 1932, H. 302, pages 627, 644, 935, 955.
Section 7409 as amended by Act approved April 19, 1933, H. 246, pages 659, 796, 945, 956.

CODE AMENDED—(Continued)

- Section 8280, H. 126, pages 430, 469, 518, 528, 599, 613.
- Section 8351, H. 55, pages 544, 667, 935, 958.
- Sections 8379, 8380 and 8382, H. 58, pages 624, 667, 944, 960.
- Sections 8540, 8542, 8543, 8544, 8545, 8546, 8550, 8552 and 8553, S. 146, pages 638, 756, 805.
- Sections 8540, 8542, 8543, 8544, 8545, 8546, 8550, 8552, 8553, H. 215, pages 816, 848, 917, 955.
- Section 8998, S. 112, pages 469, 757, 805.
- Section 9638, S. 115, pages 485, 596, 771.
- Section 9638, H. 326, pages 827, 848, 947.
- Section 9796, H. 59, pages 127, 226, 545, 549.
- Section 9997, S. 139, pages 561, 596, 768, 941, 954, 977.
- Sections 10304 and 10306, S. 142, pages 614, 644, 770, 913, 954, 976.

CODE REPEALED—

- Sections 405 through 412, S. 35, pages 58, 71, 207.
- Sections 8547, 8548, 8549 and 8551, S. 146, pages 638, 756, 805.
- Sections 8547, 8548, 8549 and 8551, H. 215, pages 816, 848, 917, 955.

CODE REPEALED (Agriculture)—

- To repeal Article 10 of Code as amended by Act pertaining to agriculture and industries, S. 15, pages 37, 86, 185, 397, 413, 965.

CODE REPEALED (School)—

- Section 631, S. 87, pages 212, 415, 585.

COMMISSIONERS COURT—

- In counties of 17,800 and not more than 19,300 per diem and mileage of, shall be paid out of gasoline excise tax, H. 319, pages 742, 848, 914, 926, 960.

COMMITTEES, STANDING—

- Appointment of Members on, page 9.

CONFEDERATE PENSIONS—

- To provide same for widows, H. 109, pages 782, 820, 887, 912, 929.

CONSTITUTION—

- Amend—
- Authorizing Morgan County to increase indebtedness, H. 64, pages 330, 381, 718, 739.
- Section 138 of Article 5 of, H. 82, pages 188, 380, 719, 935, 941, 960.
- To provide that all proceeds from excise, privilege, or license taxes on gasoline, etc., be used for public roads and highways, H. 112, pages 398, 470, 515, 554, 603, 613.
- Covering all funds except Unemployment Compensation Funds in the general fund, S. 25, pages 49, 55, 59, 181, 367, 454.
- Authorizing Conecuh, Escambia and Monroe Counties to settle debts, H. 299, pages 826, 867, 951.
- To prohibit counties, etc., from using funds derived from gasoline, etc, S. 63, pages 93, 131, 199, 371, 572.
- To permit Limestone County to collect tax of one mill for malaria control, S. 90, pages 378, 470, 518, 909, 953, 974.
- To empower Legislature to fix, etc., fees allowed sheriff of Mobile County, S. 94, pages 380, 470, 571.

CONSTITUTION—(Continued)

Authorizing Legislature to regulate Income Tax, S. 99, page 452.

Section 49 of Article IV, S. 131, pages 539, 561, 596, 763, 786.

Section 48 of Article IV, S. 130, pages 538, 560, 597, 763, 788, 799, 810.

COSMETOLOGY—

To amend certain sections of an Act to regulate the occupation of in all counties having a population of 400,000 or more, H. 141, pages 358, 668, 851, 907, 925, 956.

To repeal Act regulating practice of in counties of 400,000, H. 175, page 356.

COUNTY COMMISSIONERS—

To require courts of county commissioners, etc., in certain counties of less than 36,880 nor more than 36,890 to set aside certain gasoline taxes for certain purposes, H. 101, page 130.

COUNTY COMMISSIONERS, COURTS OF, ETC.—

Authorizing the transfer of certain funds in counties of less than 15,000 by, H. 262, page 426.

COUNTY COURTS, CLERKS OF—

Regulating service of, H. 71, pages 758, 820, 944, 958.

COUNTY TREASURER—

To fix salary of, in counties having a population of 100,000 and not more than 200,000, S. 31, pages 50, 69, 78, 186, 190, 962.

COURT. COMMISSIONERS. ETC.—

Requiring to publish minutes, S. 118, page 499.

COURTS, JUVENILE—

Establishing same in counties having a population of not less than 36,880 nor more than 36,890, S. 107, pages 467, 500, 568, 812, 830, 970.

CREDIT UNIONS—

Permitting an additional deduction in computing net income, H. 271, pages 698, 728, 894, 904.

CRENSHAW COUNTY—

To authorize the county board of education to purchase office equipment, etc, H. 122, pages 146, 388, 508, 527.

To relieve same from payment of warrant No. 1458 for revision of Luverne and Troy Highway, S. 95, pages 395, 475, 510, 931, 954, 976.

To authorize school board to pay Superintendent of Education expense account, H. 123, pages 151, 388, 508, 535, 591, 594.

CULP, W. G.—

To provide for the relief of, H. 186, pages 304, 387, 440, 448.

To provide for the relief of, H. 189, pages 302, 388, 441, 448.

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To authorize the county to acquire a jail for, H. 125, pages 147, 180, 210.

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DeKALB COUNTY—

To provide payment to clerk and Sheriff of fees out of General Fund of, H. 251, pages 427, 533, 569, 721, 741.

DEPUTY SOLICITOR—

To fix compensation of in counties having 60,000 or more, H. 127, pages 186, 387, 507, 528.

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To provide for payment of appropriation of, S. 61, pages 91, 599, 764.

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Authorizing the issuance of refunding warrants by, H. 347, pages 623, 641, 706, 711.

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Regulating traveling expenses of, S. 126, pages 532, 553, 766, 884, 899, 910, 974.

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To prescribe qualifications of county and city, S. 123, pages 531, 553, 765.

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To make an appropriation for capitol, S. 70, pages 119, 135, 368.

ELMORE COUNTY—

To authorize Board of Education to retire teachers, H. 192, pages 357, 386, 506, 528.

ETOWAH COUNTY—

To repeal an act regulating brokers, H. 219, page 330.

Requiring the registration of claims against Fine and Forfeiture Fund of, H. 305, pages 519, 578, 657, 665.

EUFAULA, CITY OF—

Ratifying special city school district tax elections in, H. 81, pages 106, 121, 140, 173.

EXCISE TAX—

To provide for and regulate the issuance and dissolution of an injunction for failure to pay in full, S. 45, pages 74, 120, 399, 882, 898, 972.

FAYETTE COUNTY—

Authorizing the payment of expenses of Court of County Commissioners in certain line of duties of, H. 317, pages 625, 728, 821, 877, 904.

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Authorizing in counties of 41,000 or more the employment of certain help by, H. 358, pages 700, 777, 823, 844.

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To further provide for revenue for protection of, H. 272, pages 760, 777, 838, 886.

Regulating seafood industry, H. 183, pages 730, 778, 834, 877, 901.

To provide devices and designate places for bait fishing, H. 162, pages 344, 552, 873, 886, 901.

To regulate hunting and trapping, H. 173, pages 660, 693, 923, 931, 949.

FIREARMS—

To amend Secs. 7 and 9 of an Act regulating sale, etc., of, H. 161, pages 761, 795, 894, 912, 948.

To repeal an Act regulating, S. 73, page 134.

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FIREMEN AND POLICEMEN—

In certain cities to increase the salaries of, S. 136, pages 550, 598, 657, 832, 881, 927, 941, 954, 976.

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To provide for disposition of fines arising out of violation of—under Chapt. 142 of Code, H. 62, pages 215, 470, 866, 874, 885, 900.

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GASOLINE, ETC.—

To prevent use of revenue less cost of collection obtained from taxes on, S. 83, pages 194, 551, 735, 896, 899, 973.

In counties of 17,800 nor more than 19,300 regulating the use of proceeds from, S. 151, pages 755, 795, 951.

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To amend Constitution to prohibit diversion of, S. 63, pages 93, 131, 199, 371, 572.

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To further provide for and repeal Act amending Act approved July 10, 1935—approved Dec. 17, 1936, H. 179, pages 608, 615, 672, 705, 708, 712, 720, 729, 751, 776, 866.

GENEVA, CITY OF—

To define the boundaries of, H. 201, pages 201, 385, 437.

GENEVA COUNTY—

- To abolish the office of deputy solicitor of, H. 197, page 308.
- To abolish county court of, H. 200, page 307.
- To regulate fine and forfeiture fund, H. 199, page 311.
- To establish an Inferior Court of, H. 202, page 309.
- Establishing office of Road Supervisor of, H. 291, page 521.

GOVERNING BODY OF MUNICIPALITIES—

- Limiting the amount assessed against adjoining property for improvements by, S. 72, pages 130, 415, 584.

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- Message to Joint Session by, pages 15, 39.
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GREENE COUNTY—

- Authorizing the transfer of certain sum from gasoline fund to General Fund of, H. 349, pages 661, 728, 747, 821, 844, 939, 950.

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- Confirmation of Appointment as Trustee of A. P. I. of, page 70.

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- To amend certain sections of General Revenue Law, H. 30, pages 79, 86, 95, 99, 123, 125, 130.

GUNTERSVILLE, CITY OF—

- To authorize the sale to the United States certain real estate known as the airport property by city of, H. 142, pages 155, 215, 142, 376.

HOMESTEAD EXEMPTIONS—

- To define and exempt such homesteads from ad valored taxation, S. 5, pages 35, 59, 98, 667, 704, 712, 967.

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- Appropriating \$350,000 to, S. 32, pages 57, 381, 733, 885, 898, 972.

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- Amending Act in relation to certain types of life, H. 35, pages 562, 595, 945.

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- To prohibit the making of false statements of condition of, H. 54, pages 544, 667, 950.

JACKSON COUNTY—

- Regulating and defining duties of Court of County Commissioners of, H. 253, pages 702, 797, 888, 911, 949.
- To repeal Act authorizing same to levy excise tax on gasoline, etc., H. 151, pages 155, 214, 349, 377.

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- To repeal an Act regulating brokers, H. 219, page 330.

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Providing additional compensation for same in certain circuits, S. 110, pages 468, 500, 656, 759, 775, 968.

Requiring free transcripts to be furnished in certain cases by, S. 117, pages 499, 595, 769.

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